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## The Arbiter in Council



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THE ARBITER  
IN COUNCIL

London  
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## INTRODUCTION

THE death of my old friend, the Arbiter, has left me alone to arrange and edit a work, of which he is the principal author, without his supervision. Happily before the sudden illness which ended his long and useful life we had spent many hours together reading over and correcting the reports, and his own contributions had all been carefully revised. He particularly requested me not to let our friends, who took part in the discussion, alter the sentiments they had expressed. If that were allowed, he said, the dialogue would lose its vivacity and character. "You," he went on, "must correct the report as an editor, in the interest of the reader. Cast out rubble ; shorten where you can do so without altering the sense ; let there be as little repetition as possible ; for remember that the eye, tho' so much more rapid (and therefore with less excuse) is a far more impatient organ than the ear." The others all agreed ; the more willingly as the course proposed relieved them both of labour and responsibility. They only stipulated that their identity should be concealed. The names therefore are fictitious ; but I must beg the reader to believe that by this device veracity has been protected from the inroads of timidity and caution.

Certainly we all tried to speak without reserve, guided by a precept that the Arbiter had either recalled or invented for the occasion : "living is the art of making compromises, talking is the art of avoiding them."

I must not forget that the readers of this volume are utterly unacquainted with the Arbiter and his circle. Let me then first introduce the Arbiter. A hale old man of seventy-five at the time of our conference, Mr. Ashworthy came of a manufacturing family in the north of England. He was a careful steward of the great wealth he had inherited. Frugal in all his habits ; economical, perhaps parsimonious, in small things, he was magnificently generous when great causes were at stake. His father had been a philosophic Radical—an advocate of adult suffrage and the ballot before the Whigs had begun to be Reformers—and, throwing himself heart and soul into the Anti-Corn Law movement, had become intimate with Cobden and Bright. Such were the traditions in which my old friend was brought up. As a young man he went with Cobden to the first Peace Conference at Frankfurt. In 1854 he was mobbed with his father for publicly protesting against the Crimean War. In 1857 he stood for a Lancashire constituency and was beaten because, following the leaders of the Manchester School, he denounced Palmerston's Chinese policy. In 1859 he was returned, and voted steadily with Cobden and Bright for "Peace, Retrenchment, and Reform." He remained in Parliament till 1885, when, disappointed by the performances of Mr. Gladstone's second administration, he determined to devote the remainder of his life to study and philan-



thropy. Mr. Gladstone's Irish policy took him by surprise, nor could he persuade himself to be a Home Ruler so long as his political master and friend, John Bright, remained alive. But the Armenian massacres and the Boer War taught him to sympathise more keenly with the small nations. It was in the summer of 1899, just before the Boer War, that I came to know him. My course at Oxford had been interrupted by family misfortunes. I had left in the middle of my third year without taking a degree, and after a course of shorthand had joined the staff of a great northern newspaper as reporter. In that capacity I attended a lecture given by Mr. Ashworthy on the Hague Conference. I knew that he had spent some time at the Hague during the Conference, and I expected a clear and popular description of the proceedings and their results. But the lecture far surpassed my expectations. It seized upon my imagination. It raised the whole subject to a higher plane. Orators who excite enthusiasm too often send the reasoning faculties to sleep. Perhaps Mr. Ashworthy was not an orator. At any rate the ground was carefully mapped out, the language good, the reasoning clear, and as he warmed to his argument his fervour was infectious. My editor only allowed two-thirds of a column for the address, but I tried my best to reproduce its effect, and with such a measure of success that Mr. Ashworthy wrote to the editor thanking him, and saying that he would like to make the acquaintance of the young man to whom he was indebted for the report. This was the beginning of a friendship to which I owe a regeneration of ideas. Many happy Sundays I spent in his country

home. There in quiet talks and walks he would tell me of his heroes, his ideals and his projects. On one of these rambles, in the spring of 1904, while we were deploring the want of some book that would help people to reason about war and peace, an idea suddenly struck him. "I'll call a conference," he said, "and you shall report it. I will be the Czar. You shall be the press, and the report shall be the book that is wanted."

The project was rapidly perfected. The Arbiter, as I shall always call him, had the gift of knowing whom and what he wanted. "We must have men trained in the art of making war by land and sea, as well as men who have thought out the means of preventing it. Let us hear what the church has to say, and the chapel, the law, and (with a smile) political economy." I laughed and said, "You must have a professor for that; I am only an amateur." "No!" he said; "this is not an academic subject. I once bought a text book on the law of diminishing returns, making sure that I had at last found a book on the economics of war. But I found nothing at all about it—only technical terms and mathematical diagrams. But you escaped fairly young from Oxford, and you are a practical fellow. You have to write about taxes and budgets and loans. I'll bet three turnips to a leg of mutton that you have had to think more on the political economy of war than all the professors put together." This bet always concluded a discussion, and we went on to settle the persons who should be invited.

The Arbiter had two favourite nephews whom I had often met at Oak Lodge. Reginald Case, K.C.,

was a successful barrister, with a conscience. I mean that his avarice for briefs was not insatiable. He never allowed his professional work to make him a drudge. "There is a drudgery," he said, "in law lucrative that I can never wholly submit to." Of modern lawyers Francis Horner was his favourite model. Rather than ruin his health or enslave his mind Case would refuse to undertake work for which he felt himself to be unqualified. He used to say that the happiness of every thriving advocate was ruined by his clerk, and would compare a barrister to the owner of a tied house, whose income depends upon the quantity and not the quality of the beer he sells. With his own clerk he had an arrangement like that which Messrs. Rowntree and Sherwell recommend for the manager of a model inn, and would threaten him with pains and penalties if he saw too many briefs on his table. He would seldom appear in court unless he thought that justice as well as law was on his side. Consequently he was able to be one of the very few men in large practice who maintained the ancient reputation of the English bar for learning. The Arbiter used to chaff him for his dry, unmoral way of looking at problems; but the value of getting the opinion of a truly professional mind on a problem that has so many legal aspects is enormous, and the Arbiter secretly delighted in these acute dissections of the subject in hand. It was arranged that our colloquy should be held early in October, towards the end of the Long Vacation, so that Case might be present and read a paper on International Arbitration. Case, I should add, was a Cambridge man. He had rowed in the Trinity Hall

boat, and—a minor achievement in the eye of the College—had come out Third Classic in a particularly strong year. Lastly, he was a free thinker, and not at all inclined to let off religion easily at any time; least of all when his younger cousin Martin was present. Case was an excellent scholar. His favourite poets were Lucretius and Persius, and his favourite lines

Tantum religio potuit suadere malorum,

and

Virtutem videant intabescantque relictæ.

Martin Truelove, the other nephew, was of a quite different type. A dreamy and rather emotional boy, he had somehow got a Balliol scholarship, of which, proving an inefficient machine for the production of proper answers to examiners, he was soon deprived by the Master. He is said to have been one of the half-dozen Balliol scholars that have taken Holy Orders in the last twenty years. He certainly has the liturgical instinct, and his truly religious spirit is quickened by doubts,—suggested by philosophy—that sometimes bring him to the verge of despair. It was a long time, I believe, before a certain clerical casuist in Oxford was able to persuade him to put a sufficiently wide interpretation upon the thirty-nine Articles. If I add that Truelove has often expounded unpopular causes, and has on more than one occasion denounced the doctrine, “my country right or wrong,” the Arbiter’s selection will have been sufficiently justified. Truelove promised to be prepared for a discussion upon the relations of Christianity to war between nations; and as Tolstoi’s letter in the *Times*

appeared not long before the conference we looked forward with special interest to this paper.

Not far from Oak Lodge lived the Rev. Augustine Clarke, an Independent Minister, a man of extraordinary mental vigour. Bred up as a Roman Catholic Priest he won enormous popularity in Salford. But he soon refused, like Turgot, "to wear a mask all his life," buried himself in the country, and after years of study, chiefly I fancy of the divines and philosophers of the 16th and 17th centuries, proclaimed himself an Independent. I have often discussed the sects with him, and am pretty sure that his choice was dictated by three master passions: an ardent Republicanism; a belief that the complete local independence of each congregation is the only hope of spiritual progress; and an unbounded admiration for the sect which was the first to proclaim the doctrine of religious toleration. Milton and Grotius were his heroes. He promised the Arbiter that he would read a paper on International Federation. I suggested that Captain Seymour, an old school friend of mine, should be invited, so that we might not be without the aid of a military expert. Seymour is in the Intelligence Department of the War Office and I knew he had assisted in the preparation of the *Military Manual*. He is an excellent linguist, has translated the manuals issued by the German, French, Italian and Russian armies, and is often consulted by his chiefs as to the military rules and customs of other civilised nations. The Arbiter eagerly assented to this proposal, and suggested that I should invite Seymour to stay at Oak Lodge for a fortnight so that he might have a good spell of



shooting. Seymour joyfully accepted the invitation, and promised to contribute a paper on Modern Warfare. With regard to naval questions we were in no difficulty. Admiral Tracy de Vere lived close at hand. He and the Arbiter had married sisters. He was a fine old fellow, who had served as Midshipman in the Crimean War, and had only retired from the active list in 1895. He was one of those retired Admirals, who do not foment international discord by fiery contributions to the daily papers. In sentiment he was liberal and humane. Nourished and brought up on the ancient belief in the superiority of the British seaman, he had not forgotten the old tradition that the British Navy should be half as large again as the French. His contempt for naval panic-mongers, the old women of the Admiralty and Printing House Square, as he called them, was unmitigated ; and we anticipated with some amusement the paper he promised, after much pressure, on Lord Selborne's Three Power Standard.

The Arbiter's Stock Broker in the City, Mr. Leopold Meyer, was in many ways a typical member of the Stock Exchange, sharing in all its excitements, and despondencies. If it was in a bullish mood the *Statist* was not more confident than Meyer. If there was a fit of depression he could be as lugubrious as the *Investor's Review*. An inborn talent for finance, improved by the excellent German education he had enjoyed at Frankfurt, and perfected by an experience of several years in Rothschild's houses, had given him a scientific grasp of the principles and practice of modern finance that raised him far above the ruck of city magnates. A man of genuine enthusiasms,

he was devoted to the free country of his adoption. He could see no flaw in her institutions, and this perhaps was the reason why he welcomed any plan for extending them to less fortunate communities. He was curiously susceptible to invasion panics and almost ridiculous in his denunciation of alien immigrants. In the early nineties he had joined the Army League, the Navy League and the Imperial Defence Association. He was also honorary colonel to the Devil's Own, having presented 16 mule harnesses and 80 telescopes to the corps, shortly after the outbreak of the Boer War. At that time I fancy his relations with the Arbiter were a little strained; for some letters had passed in which the Arbiter had made pungent remarks about the influence of South African millionaires upon British diplomacy. This hurt Mr. Meyer's patriotic feelings, and for some months their correspondence was confined to a few business notes. Insensibly, however, as the war dragged on, Mr. Meyer's opinions underwent a change. I do not think he ever admitted that he had been in error. But at the time I am speaking of he was again on the most friendly terms with the Arbiter; and willingly consented to represent the City at our "House in the Wood."

The ninth and last of my *dramatis personae* is William Browne, the learned Cambridge historian, a pupil of Lord Acton. He is said to be collecting material for a new history of civilisation from the 14th century, and he regarded the ten days which the Arbiter asked him to spend with us as an unjustifiably long holiday. He consented, however, on the understanding that he should be allowed

a room to work in from 5 to 9 every morning, where he would not be disturbed. He offered to prepare a conspectus of all the real and alleged causes of wars waged by civilised countries during the last two centuries, and was evidently disappointed when the Arbiter asked him to deal with the subject in a short essay, merely touching upon the principal wars and the principal reasons given for them. He also promised to read us something about the History of Duelling.

. . . . .

On Monday, the 3rd of October, 1904, we had all duly assembled in response to our summons, in the roomy library at Oak Lodge. The Arbiter, wishing me to take part, had relieved me of the shorthand work, securing an experienced man from the staff of my paper ; and the verbatim report upon which I have worked was supplied in this way.

Our host looked round the table with a benevolent smile, waited like a good business man for the clock to strike the hour, and then spoke a few words of welcome, which put us all at once at our ease. I do not think that I will place them on record ; they were too flattering to the abilities of his friends to be repeated. The Arbiter, like most modest men, was always generous in his estimates of others, and more than generous—prodigal—when they happened to be his friends. In this case worldly wisdom, of which he had no small share, contributed to the compliments he dealt round. He knew that each would be the more eager to put his best into the common stock after hearing himself described

as a master of strategy, a renowned theologian, a truly learned lawyer, a worthy disciple of Lord Acton, the modern Ricardo, etc. How difficult it is to overfeed with praise. *Vere immensa est laudum cupido.*

But though I pass over the compliments, I must not omit some important sentences, which the Arbiter introduced with an ancient but apposite story. "A Greek sophist," he said, "was once giving a course of lectures upon the art of war, and on one occasion the Carthaginian general, Hannibal, happened to be in the audience. When the lecture was over and the applause had subsided, one of the class, full of enthusiasm, eagerly asked the great general for his opinion, feeling sure it would agree with his own. Hannibal answered that he had met in his life many foolish old men but never one so foolish as this sophist. It is a story we ought not to forget when we speak of war, or law, or diplomacy, or any art which we have not practised ourselves; and I thought in a conference like this, which will constantly revolve round naval and military matters, as well as law and theology, it would be well to invite a Hannibal to be present in the flesh—not merely to listen and criticise, but to contribute to our discourses. For the story of Hannibal and the sophist has a general application. The unprofessional man must always speak with caution about any particular craft, or art. He may have studied its principles, but if he has not been an apprentice he is speaking at a certain disadvantage. Nevertheless it is equally important to bear in mind the opposite truth. Though few men have practised more than one profession yet all are citizens, and as such, they

may not be incapable of passing judgment upon political questions—and politics is the supreme science and art, embracing all pursuits and callings and professions. Let us remember, too, that the professional man suffers from a disadvantage of his own; he is apt to neglect the things outside his calling. He is always looking with a microscope at what is after all only a speck among human interests; it is hard for him to regard it from the impartial standpoint of the outsider. He gets an exaggerated view of its importance. As citizens, therefore, and critics, we are under the same necessity or duty which Dr. Arnold imposed upon the historian, that of over-stepping professional barriers. We are bound to examine and judge of wars, of legislation, of religious disputes, and commercial controversies, though we cannot all be soldiers, seamen, lawyers, clergymen, merchants. A distinction has to be drawn, and the distinction—as Arnold put it—seems to be in the difference between the faculty of doing the thing and that of perceiving whether it is well done. The man who lives in a house can judge better than the builder whether it is good or bad. He learns by experience what chimneys smoke, where there is a bad draught or an inconvenient arrangement. Yet he may be, probably is, quite incapable of curing the chimney, or getting rid of the draught, or planning out a better arrangement of rooms.

Applying this principle, say, to the art of war, the unprofessional man cannot be an authority on tactics, or the actual handling of weapons and troops. When it comes to strategy, and the planning out of



campaigns, his criticism may be worth something ; and when it comes to the general conduct of war, and, above all, to the great question when war should be undertaken or avoided, *i.e.* in proportion as the powers of the mind come into play and the whole sphere of politics, morals, and economic expediency are in view, it is not merely right but essential that an unprofessional person should speak out—and express his judgment. Besides, it is surely for the taxpayer to judge whether a war is worth its price, and what sum should be paid for national insurance. In this discourse then we are all equals, though some of us have special qualifications in judging of details and plans and projects. There comes in the distinction between theory and practice, between policy and execution.”

Having thus tickled our vanity and put us on our mettle, the Arbiter read the address with which it had been arranged he should open the conference. He called it *The Causes and Consequences of War*.

## THE FIRST DAY. MONDAY.

### THE CAUSES AND CONSEQUENCES OF WAR.

#### I.

*Arbiter.* My intention in arranging this conference was to induce fresh minds to attack a problem that has always engaged me ; as I grow older I only feel more eager for success and more confident that success is attainable. Its solution, I am sure, is already within the range of practical politics, and can, I am equally sure, be hastened by private and public discussion. There has been wonderful progress in the last three generations, greater perhaps than in all the first eighteen centuries of the Christian era. My grandfather took part in the foundation of the first Peace Society in London in 1816. My father had the happiness of hearing just before his death of the settlement of the Alabama claims by Arbitration. And I have witnessed the establishment by a solemn international convention of the Hague Tribunal. Some of you younger men will see international laws passed and administered by an international assembly. That will mean a solution of the problem ; for by solution I mean an international agreement which will reduce the armed forces of civilised countries and their

armaments to the lowest point compatible, first, with the maintenance of internal peace, and, second, with the contribution of a small contingent to the international army which it will probably be for a long time necessary to maintain. Such a solution as I have said seems to me to be neither impracticable nor very distant. Nor does it require a very startling revolution of opinion. The most difficult steps on the path from a state of war to a state of peace have already been taken.

Philosophers and poets have amused themselves by speculating upon what is the *natural* condition of mankind, that is to say, what was the condition of mankind in a state of nature before the introduction of arts. They arrive, as one might expect, at the most opposite conclusions. The fiction of the golden age (usually favoured by romantic and poetical socialists like Rousseau and William Morris) represents the condition of our first ancestors as one of ideal peace and happiness. The other fiction, which describes the state of nature as a state of war, is more probable as well as more hopeful and has been favoured by philosophers. Who does not know, cried Cicero in one of his orations, that at one time men wandered about possessing only such property as they could seize from one another and retain by main force? Hobbes was the first to build a system upon this assumption. His theory is that men naturally fought with one another, but that eventually, seeing the misery and folly of this proceeding, they formed societies by compact for the protection of the individual. There Hobbes stopped; he took things as he found them, and does not seem to have thought

(greatly as he abhorred war) that wars between nations might be terminated by a compact similar to that imaginary one out of which he constructed his *Leviathan*. For if private fighting is preventible, why not public? If national opinion can put down the *duellum*, why cannot international opinion put down the *bellum*? Is it to be said that while justice is always to be the measure of right between individuals, power is to remain the only measure of right between the nations which those individuals compose? In the long long struggle of races and tongues and religions that followed the breaking up of the Roman Empire the law of the stronger was the only law universally regarded. Everybody who could afford it had a suit of mail and a horse, and the knight who was most regarded was he who had killed most men and had secured most plunder. The story of the Cid, the national hero of Spain, is simply a catalogue of successful hand-to-hand conflicts and predatory expeditions. His exploits were often undertaken merely to win glory by slaying some redoubtable warrior, or to secure plunder by surprising some rich town; at other times he was prompted by religion, or revenge, or a royal command.

Our own Wyckliffe, the first and perhaps the noblest of the English Reformers, protested against the knightly conception of virtue. "Lord, what honour falls to a knight that he kills many men? The hangman killeth many more and with a better title. Better were it for men to be butchers of beasts than butchers of their brethren."<sup>1</sup> When the civil distractions of Russia

<sup>1</sup> Wyckliffe's views of war are expounded in his treatise on the seven deadly sins and in his *Dialogues*.

are healed and tyranny expelled, and when a decent government has been established in Macedonia, Europe will be free from the scourge of private war. Bad quarrelsome men are not allowed to bully, rob and murder travellers on the high road under pretext of chivalry or point of honour, but bad men in authority may quarrel, and their quarrels may drive thousands upon thousands of innocent men to violent death. Strong wills clash ; passions rise ; honour is said to be wounded, or vital interests are said to be involved ; armies are moved to the frontier ; there is a surprise attack or an ultimatum, and then two or more driven nations meet in the arena and fight like bulls maddened by their keepers until one is so badly gored that it has to retire wounded and bleeding to recover its wasted strength.

No one I think has ever written more sensibly about the mischiefs of war and the causes that promote its continuance or retard its decay than Josiah Tucker, Dean of Gloucester,<sup>1</sup> who handled the moral and commercial issues raised in the imperialist policy of Pitt the elder with rare courage, knowledge and insight. In ancient times, he says, men went to war without much ceremony or pretence. It was thought a sufficient ground for attack that one man, or one clan, wanted what another possessed. Such were the habits and customs of the Thracian tribes in the account Herodotus gives of them ; such were the early Greeks in the famous description at the beginning of Thucydides. Nothing was esteemed dishonourable except the arts of peace and industry. But

<sup>1</sup> An excellent man despite his bishop's jest : "Tucker makes a religion of his trade, and a trade of his religion."



when civilised nations prepare for war they generally do so with much ceremony and many pretences. This is the tribute a warlike government pays to the feelings of the citizens it represents, of the merchants it is going to ruin, and of the taxpayers it is going to fleece. Complaints are made of injuries received, of rights violated, of some encroachment or detention or usurpation. A modern government hardly ever acknowledges itself to be the aggressor. On the contrary it solemnly calls heaven to witness that it is engaging in a just and necessary war. Prayers are offered in the State Churches, invoking the State God to assist a righteous cause, and to punish the wicked enemy. The Avenger of the Oppressed and Searcher of all Hearts is called upon to assist in defeating the enemy and punishing the wrongdoer. Thus both parties endeavour to conciliate opinion; and though neither combatant will own his true motives, it is apparent to all the world that on one side, if not on both, thirst of glory, lust of dominion, the cabals of statesmen, the appetite of individuals for power or plunder, for wealth without industry, for greatness without merit, are the mainsprings of action.

Of course you might raise the preliminary question whether war is an evil at all. Here and there a bellicose person, who has missed his profession, proclaims the gospel of war. But mankind generally are convinced of the abstract proposition that war is an evil, and that is my assumption. But I do not say or think that it is an unmixed evil; I freely admit that some good (along with a vast preponderance of harm) has come from some wars. It would, perhaps, be hard to find an unmixed evil in the world. Providence,



said a great divine, brings good from everything, even from the worst sufferings and most atrocious crimes. "But sufferings and crimes," he was careful to add, "are not therefore to be set down among our blessings." Murder may shorten a tyrant's career of guilt; robbery may circulate the useless hoards of a miser; despotism may be the means of suppressing anarchy and establishing social order, just as anarchy and revolutionary violence may be the means of driving despotism into constitutional courses. But we do not, therefore, bless the tyrant and the anarchist or canonise robbery and murder. There are some manufactures whose by-products are very profitable. It would be absurd to call the by-products of war 'profitable.' Its apologists claim that it may call forth an indignant patriotism, a fervent public spirit, generous daring, heroic self-sacrifice. So may a fire, a pestilence, a railway accident, an explosion in a mine, a shipwreck. But do we pray for these catastrophes or welcome them when they come, because they call forth great virtues, and testify, as it were, to the inborn greatness of human nature? On the contrary, every man with a grain of public spirit, every government with a spark of humanity, endeavours to prevent and mitigate such catastrophes as these.

There is another and more intimate view of war, which should lead us to regard it as a far greater evil than any natural calamity or any series of natural calamities, that might do the same amount of damage to life and property. To go to war is to enthrone force and defy justice. What distinguishes war is not death, or disease, or destruction, or the other visible woes that

are drawn in its train. What distinguishes war and makes it the worst of all evils is not that man is thereby slain or despoiled, but that he is slain and despoiled by the cruelty, treachery, and injustice of his fellows. The *distinguishing* evil of war is *moral* evil. I will not characterise it myself; you might think my language too strong; I will borrow some sentences from one whose error, if he erred at all, was rather on the side of caution in criticising the established barbarities of his day such as slavery or war—I mean Dr. Channing. “War,” he declared, “is the concentration of all human crimes. Under its standard gather violence, malignity, rage, fraud, perfidy, rapacity, and lust. If it only slew men it would do little. It turns man into a beast of prey. Here is the evil of war that man, made to be the brother, becomes the deadly foe of his kind; that man, whose duty it is to mitigate suffering, makes the infliction of suffering his study and end; that man whose office it is to avert and heal the wounds which come from nature’s powers, makes researches into nature’s laws, and arms himself with her most awful forces, that he may become the destroyer of his race.” In his eloquent description the battlefield is “a theatre got up at an immense cost for the exhibition of crime on a grand scale.” But even more odious and detestable than the hot passions of the battlefield is the cold indifference to human miseries and human wrongs that marks the plans of the statesman, the strategy of the generals, and the comments of the world. The slaughter is atrocious, the spirit of murder that prompts it is worse; but worst of all, perhaps, is the callousness of the organisers, the conductors, and the spectators.

*Clarke.* Whom do you mean by the organisers of war?

*Arbiter.* In countries where public policy depends upon manifestations of public opinion I mean those who by their speeches or writings inflame public opinion, and bring to the surface the worst passions of the populace, so that unscrupulous statesmen who desire war may pretend, with some show of reason, that in going to war they are complying with the wishes of the nation. No one who has seen the outbreak of a war and the preliminaries of it will doubt that, altogether apart from its necessity, wisdom, or justice, there is plenty of pot-house enthusiasm than can easily be worked up into the semblance of a national agitation.

*Admiral.* It is called patriotism, but it does not go to the front.

*Case.* It is the patriotism of the music-hall and the gin palace.

*Arbiter.* But you must not interpret all this as pessimism. Generally speaking, the more educated and civilised a people is the more necessary and difficult will it be to obtain their consent to a war. Again, a responsible government is less prone than an irresponsible one to go to war on small occasions. Perhaps glory is the most attractive bait that can be held out to a nation. "Let a prince but feed his subjects," wrote Tucker, "with the empty diet of military fame, it matters not what he does besides." That is no longer true. Nevertheless, even in our time life and liberty, with everything that makes existence happy or tolerable, seem sometimes, in moments of intoxication, to have been willingly offered

up to this idol. Disillusionment and reaction follow more quickly than they did in the old days, when, indeed, the people were powerless; for with few exceptions the greatest conquerors abroad proved the greatest tyrants at home. Victory must be continuous or a people soon get tired of war. Victory, like Charity, covers a multitude of sins, and it is still true that otherwise reasonable beings are often content to be slaves provided they, or rather their generals and rulers, may enslave others.

It has sometimes been argued by theologians and philosophers that war being a universal practice must have been ordained for the good of mankind by Providence. The earth, they said, would be overstocked were it not for this salutary visitation. Men, it seems, were created on purpose to engage in war and to destroy one another.

*Truelove.* You remind me of an epitaph I once saw on the grave of an infant two months old in a churchyard near Oxford :

"Thrice blessed child,  
For surely she  
Was born on purpose for to be  
Translated to eternity."

*Arbiter.* From the same desire to justify nature and Providence comes the vulgar notion that one country thrives by the ruin of another, and that peoples grow rich by impoverishing their neighbours. If that were true, private and civil wars should be no less advantageous than public wars between states. But no one now regards duels and civil wars as things inevitable, natural, or desirable. The inhabitants

of one county do not conceive that they are or ought to be the foes of the inhabitants of a neighbouring county. Towns under the same government do not think of growing rich by reducing one another to ashes. On the contrary, it is felt that every county, or town, stands to gain by the prosperity of its neighbours. Is it not, then, the height of folly to suppose that two large and independent districts will prosper by a course which we all see would be ruinous to two smaller subordinate districts. If a war between New York and Pennsylvania would admittedly be disastrous to both, to the victor as well as to the vanquished, what sense can there be in a war between the United States and Great Britain. And if God in His mercy has allowed small areas to be quit of this curse, how can those who believe in Him dare to count war between nations as a permanent part of His dispensation? Clearly war is not right because it exists. As well argue that theft and murder should be encouraged because they have not yet been extirpated. War is a wrong that ought to be suppressed; not a good thing that ought to be perpetuated. And, finally, a Christian cannot approve of war; for if war is right and necessary the Sermon on the Mount is a tissue of absurdities.

Apart from the desire for glory and military fame, and apart from the religious or fatalistic argument, which has sometimes borrowed scientific support by twisting the Survival of the Fittest—as if bullets selected the unfit!—there is an opinion very widely held, even to this day by intelligent people, that a successful war, especially if it ends in the conquest of territory, will lead to an increase of revenue and



be "good for trade." Money will be circulated and markets will be opened up.

Let us test this by the analogy of the individual. Suppose a sleeping partner in a firm of manufacturers draws out the money he has invested in the business (which has been playing its part as productive capital) and lays it all out in a series of champagne suppers, followed by firework entertainments; suppose, further, that some of the workmen he has engaged are killed or injured by explosions. Money certainly has been circulated, some wine merchants and caterers and manufacturers of explosives have made handsome profits; but will any sane person contend that the net result of this wasted capital and life is an addition to the wealth and trade of the community? Really the proposition that war is good for trade is neither more nor less defensible than the proposition that an earthquake is good for trade because it provides a lot of work for glaziers and builders. So far as population is concerned, the strength of an empire depends more upon the loyalty than upon the number of its subjects. So far as territory is concerned, the wealth of an empire depends upon its fertility and mineral resources, not upon its acreage. May not a man own twenty square miles of Uganda and yet be in want of a supper? Looked at merely from the point of revenue, it would be hard to mention any modern conquest of an alien race where the gain compensated the cost. Is there on record any important acquisition of territory by war from which the conquering nation derived a surplus revenue? Has not every such conquest been accompanied and followed by additions to debt and taxes? Even when

the revenue of a territory was flourishing before its conquest, the surplus is found to have been swallowed up after the conquest in garrisons, police, costly administration, and the other expenses that always attend the government of a new province. It was thought that the acquisition of the richest gold mines in the world would easily repay the cost of our last great war. The war cost us 250 millions. About 160 millions have been added to the national debt, and an annual charge of over 30 millions to the upkeep of our military and naval establishments. So far there has been no financial compensation to set off against these tremendous losses, nor is there the slightest prospect of any substantial gain in the future either to the trade or revenue of Great Britain.

Under ancient conditions indeed, when the laws of war permitted plunder, an army, or even a tribe of warriors, might enrich itself for a time by spoiling rich towns and countries of their gold and treasures. The Spanish conquests of Mexico and Peru enriched the adventurers and filled the coffers of the King of Spain. But the heaps of treasure melted like snow; industry languished, and a country of heroes became a country of beggars. The national and commercial vigour of Spain has only begun to revive since it was stripped of its last eldorados in Cuba and the Philippines. The Roman Republic was impoverished as well as demoralised by its conquests. From the time when it exchanged liberty for empire the Imperial city was a city of paupers clamouring daily for their doles of bread.

*Case.* Yes indeed, when we think of Rome and her dominion we should think sometimes, not of



millionaires like Crassus or Seneca, but of the average citizens, the reputed masters of the world, sunk in abject and degrading poverty.

*Ego.* But surely the advance of Roman arms was accompanied by the advance of Roman civilisation; the losses of the conquerors were often compensated by the gains of the conquered.

*Case.* Even then we must set the evil done in the east against the good done in the west. And we must not credit Roman arms with the achievements of Roman law and Roman roads. In so far as he was a road-maker the Roman soldier was not a soldier. In so far as he was an administrator and law-giver the Roman general was not a director of battles and campaigns. Listen to Virgil on the Roman strategy :

“Tu regere imperio populos Romane memento.  
Hæ tibi erunt artes; pacisque imponere morem,  
Parcere subjectis et debellare superbos.”

*Arbiter.* It is a curious fact that the economic benefits which occasionally appear to have accrued from some wars were as often as not obtained by the beaten party. Spain has rallied wonderfully since the war with the United States; and Italy since the war with Abyssinia. In each case the financial embarrassments of the overtaxed nation were relieved by its being compelled to relinquish costly provinces that had been a perpetual drain on its revenues. Perhaps if Russia is beaten she will find similar compensation. But these are hardly exceptions to the general rule that war injures all concerned. They are cases where by one short war nations may be quit of continuous warfare and unproductive expenditure.

“The wars of Europe for these two hundred years past” wrote Tucker in 1763, after the conquest of Canada and the Sugar Islands and many other glorious exploits, “by the confession of all parties have really ended in the advantage of none but to the manifest detriment of all.” Had the contending princes and rulers, he adds, employed their subjects in cultivating and improving such lands as were clear of all disputed titles instead of trying to remove their neighbour’s landmarks “they had consulted both their own and their people’s greatness much more efficaciously than by all the victories of a Caesar or an Alexander.” The course they took involved them one after the other in disappointment, want and beggary.

In the eighteenth century wars were still lightly undertaken by sovereigns for personal and dynastic reasons; but one of the great curses of the world, religious animosity, was ceasing to be a cause of war. At the same time, with the expansion of commerce, trade jealousy was becoming more acute, and ‘wars for trade’ were almost as popular as wars for religion had been in the sixteenth and seventeenth centuries. In the struggle of the American colonies for complete political independence, in the great social uprising of the French Revolution, and in the national wars that followed on the settlement of 1815 a nobler set of passions came into play on one side at least. Wars were not only less frequent, but they were entered upon in some cases, by the Hungarians for example and the Italians in 1848, with more justice; though I am certain that in both these contests better results would have been attained, without cruelty, bloodshed, waste or unnecessary suffering, by moral and political action.

Francis Deak, the wisest of revolutionary leaders, would have nothing to do with war or violence.

But now that most of the States of Europe have been reconstructed on national lines trade jealousy has once more become the most serious danger to peace. True the slowly spreading science of political economy has done something to combat the superstition that war can advance trade ; but truth is still sadly obscured by error, and a vast mass of prejudice still provides fuel for unscrupulous disturbers of the world's peace. Men are apt to forget, when warlike metaphors about "the cut-throat competition" of some commercial rival are dinned into their ears, that the world is composed of different soils and different climates, that its inhabitants are suited to different occupations and endowed with different talents, that there is a wonderful diversity of products—all designed by providence in order that the different peoples of the earth may carry on a commercial intercourse mutually beneficial and universally benevolent. Let us borrow an illustration. No more skilful and industrious populations are to be found than in South Lancashire and South-West Yorkshire. They are only separated by a range of hills ; but the climate of one has been found peculiarly adapted to the manufacture of cotton, that of the other to the manufacture of woollen and worsted goods. Yet had Manchester and Bradford been the capitals of two neighbouring kingdoms there might have been a history of jealousy, discord, and war. And who can doubt that such would have been the case if the boundary line of a kingdom had divided Leeds from Bradford, or Manchester from Liverpool ? The statesmen and journalists of one town would have declaimed,

whenever the popular wind blew war or the interests of party required it, that their prosperity was involved in the other's downfall. Doleful laments would have been heard about the loss of trade and the formidable progress of their enemy; and each government would have had a set of patriotic orators and patriotic scribblers closing their speeches and leading articles with a thundering *delenda est Carthago*. "Bradford must be destroyed" would be the cry of Leeds, "she is our commercial enemy, our manufacturing rival, her interests are antagonistic, and our success depends on her ruin." And *vice versa*. Is this illustration far fetched when we think of the history of the independent cities of ancient Greece or of mediaeval Italy and Germany? Yet there are still people endowed with the ordinary faculties who cannot see that the case for commercial war between two English towns or between two German States is at least as strong as the case for a commercial war between England and Germany. An English merchant who envies the commercial growth of Germany and wishes to retard it is exactly like a shopkeeper who wants to see his best customer reduced to beggary. For obviously the richer one nation is, the more is it likely to buy of its neighbour's produce and manufactures. How largely the increasing wealth and prosperity of British trade is due to the commercial expansion of Germany may be drawn from this simple fact, that in every year from 1898 to 1903 Germany was easily our best customer in Europe.<sup>1</sup>

<sup>1</sup> In those years the annual exports of the British Empire to Germany varied from 46 to 57 millions, attaining the larger figure in the last year of the series. See *Statistical Abstract for the British Empire* (1905), p. 4.



By the miraculous spread of commerce and intercourse strong ties are being created between nations, which it is more and more difficult for mischief-makers to snap. Slowly, very slowly, mankind is being disenchanted from the spell of trade jealousy. But I have such belief in the power of argument to hasten the process and pacify the jingoism of commerce, that I will ask your leave to make another quotation :

“Of all absurdities, that of going to war for the sake of getting trade is the most absurd ; and nothing in nature can be so extravagantly foolish. Perhaps you cannot digest this ; you don’t believe it : I grant, therefore, that you subdue your rival by force of arms ; will that circumstance render your goods cheaper at market than they were before ? And if it will not, nay if it tends to render them much dearer, what have you got by such a victory ? I ask further, what will be the conduct of foreign nations when your goods are brought to their markets ? They will never enquire whether you were victorious or not ; but only, whether you will sell cheaper, or at least as cheap as others. Try and see, whether any persons, or any nations, ever yet proceeded upon any other plan ; and if they never did, and never can be supposed to do so, then it is evident to a demonstration, that trade will always follow cheapness, and not conquest. Nay, consider how it is with yourselves at home ; do Heroes and Bruisers get more customers to their shops because they are Heroes and Bruisers ? Or, would not you yourself rather deal with a feeble person, who will use you well, than with a Brother-Hero, should he demand a higher price.”<sup>1</sup>

Such being some of the causes of war, some of the stored-up fuel which lies ready for the match of the incendiary, it is next proper to enquire who are they that strike the light and endeavour to produce a conflagration. These firebrands have always existed. But there are many different sorts. They vary

<sup>1</sup> From one of Dean Tucker’s Tracts.

from country to country, and from age to age. In England, in Dean Tucker's time, no less than seven distinct species could be discerned.

First there was *the Mock-Patriot*, who, having got what he wanted—war—made every defeat or victory a reason for going on. If an expedition failed, or an army was cut to pieces, another expedition must be fitted out and another army sent to avenge defeat. If a victory was won he would say: "Now, being victorious, let us follow up the blow without regard to the sacrifice of life and treasure. Another campaign will force the enemy to submit to our own terms: for he cannot last much longer."

Next came the hungry pamphleteer who wrote for bread. He is described as a kind of jackal to the patriotic lion; he beats the forest and starts the game; he explores the reigning humour and whims of the populace, and discovers where a peace ministry is most vulnerable. His principal use now is as a panic-monger or tout. He writes largely for the manufacturers of war material, endeavouring to find a market for their surplus stocks, and to enlarge their trade by pretending that the guns and rifles of the army are defective, or that the fleet is very weak, or that some part of the coast should be fortified, or, in times of widespread madness, that fortresses should be erected in the interior, or a gold reserve *borrowed*, in order to pay for the next war.

From time to time he raises the alarm of an invasion, sometimes writing a novel, which ends, of course, in the destruction of our fleet and the conquest of England. It is rather characteristic of the change in popular feeling, and a hopeful sign, I think—for it

shows that a war of aggression can no longer be made popular—that fear of an invasion is the staple of the new pamphleteer. The function of the old pamphleteer 150 years ago was to intoxicate the mob with stories of Agincourt and Crecy. His cry would be : “Let a British army march to the gates of Paris, and bring the King of France to sue for peace on his knees at the Bar of the House of Commons.”

A third, and nowadays a far more important character, is the “news writer,” whom we should call the jingo journalist. He is the favourite pest of a free democracy. Often he is not a mere mercenary, but has a natural zest for his job. But the owners of the Yellow Press that employs him may almost be said to trade in blood. In Tucker’s time *Gazette Extraordinaries*, published at sixpence, occupied the place of the halfpenny dreadful. War was their harvest, and the report of a battle, which might or might not have taken place, would multiply the circulation a hundredfold. How then could the news writers be expected to be the friends of peace or the opponents of war ? As well expect a glazier to help to put down window breakers. “Yet these are the men,” wrote Tucker, “who may be truly said to govern the minds of the good people of England, and to turn their affections whithersoever they please ; who can render any scheme unpopular which they dislike, and whose approbation or disapprobation is regarded by thousands as the standard of right or wrong, of truth or falsehood ; for it is a fact, an undisputable fact, that this country is as much news-mad and news-ridden now as ever it was popery-mad and priest-ridden in the days of our forefathers.” Nowadays we find salvation in the



multiplicity of newspapers ; but there are occasions when capitalists spend large sums of money in order to create a temporary agreement to suit their purpose between a number of independent newspapers. It has been found that by quietly purchasing a few respectable papers (by preference of liberal or democratic traditions), and by gently and almost imperceptibly altering their policy, something very like public opinion may be fabricated. The old mills of the Cobdenites may be used to grind new Imperialist corn.

*Ego.* I see what you mean. Let news be so sub-edited that anything adverse or premature is cut out, let suitable comments be made upon doctored facts, let popular indignation be roused by atrocities which never took place, and it is possible that a national movement in favour of a most iniquitous war may be successfully engineered.

*Arbiter.* Burke compared newspapers to a battery, "in which the stroke of any one ball produces no great effect, but the amount of continual repetition is decisive." "If," he said, "we suffer a person to tell us his story morning and evening, for a twelve-month, he will become our master." Yet, on the whole, when I think of the dangers and temptations of journalism I am struck rather by the probity than by the corruptibility of the profession. There are plenty of honest and able journalists in this country, and I believe they do more good and prevent more evil (because they have more power to do both) than any other class of good men.

The fourth kind of firebrand distinguished by our author is "the broker and the gambler of Change Alley." It is rather interesting to read a description of the

methods of this monster, as they struck the impartial moralist in 1763. "Letters from the Hague, wrote in a garret at home for half a guinea; the first news of a battle fought (it matters not how improbable), with a list of the slain and prisoners, their cannon, colours, etc.; great firings heard at sea between squadrons not yet out of port; a town taken before the enemy was near it; an intercepted letter that never was wrote; or in short, anything else that will elate or depress the minds of the undiscerning multitude, serves the purpose of the bear or the bull to sink or raise the price of stocks, according as he wishes either to buy or sell. And by these vile means the wretch, who perhaps the other day came up to London in the waggon to be an under-clerk or a message boy in a warehouse, acquires such a fortune as sets him on a par with the greatest nobles of the land." This character is still recognisable, and there are times when he seems to sway the City, and does an immense amount of mischief. On the other hand, the ordinary brokers and financiers are, or may be, very useful members of society. If only they and the bankers could take longer views of their own interests, and do more to propagate sound opinions on financial and commercial policy, they might exercise a salutary influence on the government.

The fifth, and in my view, the most dangerous and mischievous company of war-makers, are those who have a direct pecuniary interest in the vast expenditure which wars and warlike preparations entail.

*Ego.* Like Barry Lyndon who "as long as war lasted was never without a dollar in his purse."

*Arbiter.* In the eighteenth century this evil was

already gigantic. Compared with the total income of the nation, the gains of the contractors, though absolutely far smaller, were relatively far greater then than now ; and the case was aggravated by the corruption and incapacity of those who gave out the contracts, as well as by the absence of an effective system of financial control. To revert again to our author :

“The jobbers and contractors of all kinds and of all degrees for our fleets and armies ; the clerks and pay-masters in the several departments belonging to war ; and every other agent who has the fingering of the public money, may be said to constitute a distinct brood of vultures, who prey upon their own species, and fatten on human gore. It would be endless to recount the various arts and stratagems by which these devourers have amassed to themselves astonishing riches, from very slender beginnings, through the continuance and extent of the war ; consequently, as long as any prospect could remain of squeezing somewhat more out of the pockets of an exhausted, but infatuated people, so long the *American* war-hoop would be the cry of these inhuman savages ; and so long would they start and invent objections to every proposition that could be made for the restoring peace,—because Government Bills would yet bear some price in the Alley, and *Omnium* and *Scrip* would still sell at market.”

With the regular contractors and manufacturers of war material may be associated a sixth class of merchants and manufacturers, not (I hope) very numerous, who imagine that war will benefit their particular business. The general interest of trade is very different from the particular interest of traders, and war undoubtedly does give an artificial stimulus to certain branches of trade at the expense of the remainder. The favour of certain manufacturers or producers is usually won by extravagant promises ;

but unless they actually obtain lucrative contracts from the government, their hopes of profit are certain to be disappointed. During Chatham's wars it was predicted that if once we became masters of Canada there would be a great importation of skins and beavers and a prodigious extension of fine hat manufactures. "Every man might afford to wear a beaver hat if he pleased, and every woman be decorated in the richest furs; in return for which our coarse woollens would find such a vent throughout those immense northern regions as would make ample satisfaction for all our expenses." Well, Canada was taken, and after we had possessed it for several years, beavers, furs, and hats were dearer than ever. As for woollens, the Canadian consumption of English cloth was hardly as much as would have been required by the English soldiers who had been lost in taking, defending, and garrisoning Canada.<sup>1</sup>

Similar and even more extravagant hopes were held out at the time of the Boer War. You will remember the vast increase in the supplies of gold which was to follow our occupation of the Rand, and the wonderful expansion of our trade to South Africa. I need not say how these hopes have been disappointed. But it is specially noteworthy that the very purpose for which the war was undertaken

<sup>1</sup> It was complained at the end of the Seven Years' War that, owing to the growth of taxes and the rise of prices in England, the sales of our manufactures in *foreign* countries had much decreased, and even our colonies, on whose behalf the war was supposed to have been undertaken, were buying goods "in Holland, in Italy, and Hamburg or any other market where they can buy them cheapest, without regarding the interest of the Mother country."



—the enhancement of mining values—was so far from being achieved that a depreciation of mining shares, amounting, it is calculated, to no less than £200,000,000, was brought about by the war.

*Here Meyer groaned audibly, but the Arbiter took no notice and continued.* Seventhly and lastly, “The land and sea officers are of course the invariable advocates of war. Indeed it is their trade, their bread, and the sure way to get promotion; therefore no other language can be expected from them, and yet, to do them justice, of all the adversaries of peace, they are the fairest and most open in their proceedings; they use no art or colouring, and as you know their motive, you must follow accordingly.”

*Seymour.* Thank you.

*Arbiter.* Don't mention it. Those words are in quotation marks. It is an eighteenth-century compliment. But I think you still deserve it.

This analysis of the classes of men who support war is useful, because it helps to explain why a mischief that is so revolting to morality, so destructive of happiness, and so repugnant to common sense can still exist and flourish. It is supported as it were by a standing army of people who live on it in every nation. From it come their livelihoods or their profits; without it they think they would starve. Baseless panics have made many a fortune, and many more have been accumulated from unjust and unnecessary wars.

But this is certainly not the whole psychology of war. Sometimes the idea of war seems to steal like an infectious disease from individual to individual and from nation to nation. Do you remember a great

preacher's description of the war which followed upon the French Revolution—how making its first appearance in the centre of the civilised world, like a fire kindled in the thickest part of the forest, it spread during twenty years on every side, and burnt in all directions, gathering fresh fury in its progress till it enwrapped the whole of Europe in its flames. That fearful conflagration was originally due to a discord between the opinions and institutions of society, but war soon made a disease of the cure. Militarism supervened upon Republicanism; a military dictatorship took the place of a feudal tyranny. Liberty, equality, and fraternity were all forgotten, and for years the flower of French manhood was enlisted in order to promote the military glory of Napoleon. Real war is a very different thing from the painted image that you see at a parade or review. But it is the painted image that makes it popular. The waving plumes, the gay uniforms, the flashing swords, the disciplined march of innumerable feet, the clear-voiced trumpet, the intoxicating strains of martial music, the pomp, the sound, and the spectacle—these are the enticements to war and to the profession of the soldier. They are not what they were. But they still form a popular prelude to a woful pandemonium. And when war bursts out it is at first, as a rule, but a small minority even of the peoples engaged that really sees and feels its horrors. The populace is fed by excitements; the defeats are covered up; in most countries the lists of killed and wounded are suppressed or postponed; victories are magnified; successful generals are acclaimed, and the military hero becomes the idol of the people.



The overfed, seedy malingerers of a smart society join with the starving loiterers about the gin palace in applauding the executioners of ruin. If their heroes are successful, what are the trophies?—prisons crowded with captives, hospitals filled with sick and wounded, towns sacked, farms burnt, fields laid waste, taxes raised, plenty converted to scarcity or famine, and vast debts accumulated for posterity. Then, when these heroes have done their work, the heroes of peace, the unobtrusive philanthropists, the unrewarded reformers, appear, and by long and patient labour amid scenes of universal misery and lamentation seek to mitigate the sufferings of their repentant fellow country men. Let me conclude this part of my subject by placing before you two pictures drawn by very different pens—the first by a German Gelehrte of the results of the Thirty Years' War; the second by an English journalist of his impressions in France, in 1814, just before the return from Elba.

The Thirty Years' War, you will remember, was brought to a conclusion by the Peace of Westphalia in 1648. But its dreadful effects were still discernible in many parts of Germany a century and a half later. "A prodigious number of towns," wrote Pütter, in 1786,<sup>1</sup> "have never been able to recover the losses they sustained through the horrors of the Thirty Years' War. If we were to compare each individual town of Germany in the state it was in before and after the war of thirty years, the picture would be dreadful beyond conception. The city of Magdeburg

<sup>1</sup> See Pütter's *Historical Development of the Germanic Empire*, translated by Dorndorf (London, 1790), vol. ii., pp. 209-10.

alone had formerly no less than 30,000 inhabitants ; but after its destruction by Tilly, only 400 remained. The city itself was razed to the ground, and had scarcely one stone left upon another. In the city of Frankenthal, where there were 1800 inhabitants, who were mostly artists and manufacturers, the number was reduced to 324. In Göttingen there were 1000 houses ; in the war 179 were pulled down or fell of themselves, 237 remained uninhabited, 137 inhabited only by widows, and only 460 by burghers and strangers. At Nordheim, near Göttingen, upwards of 320 houses which were uninhabited, were destroyed to procure fuel from the timber for the winter ; and the number of distressed widows exceeded that of the burghers. The repairs of Minden, which was one of Tilly's garrison-towns in 1625, cost, in two years, 600,000 dollars ; and a tax was fixed upon the houses of the burghers, under the name of the "Eintheilungs Capitalien," which continues even now [in 1786]. In the bailiwick and town of Leonberg, in the country of Würtemberg, 1270 burghers emigrated, 885 houses were destroyed by fire, and 11,594 acres of land went out of cultivation. In the whole dutchy of Würtemberg, no less than 57,721 families were ruined ; 8 cities, 45 villages, 158 houses of the clergy and school-masters, 65 churches, and 36,086 private houses, were burned to ashes !" I pass now to my second picture.

An English journalist,<sup>1</sup> who visited France in 1814 after Napoleon's retirement to Elba, has described

<sup>1</sup> John Scott, *A Visit to Paris in 1814*.

the impression made on his mind by the first French crowd he saw—at Dieppe where he landed :

“The most impressive feature of the crowd before us, and that which most struck us with a sense of novelty and of interest, was its military aspect. Almost every man had some indication of the military profession about his person, sufficient to denote that he had been engaged in war. At the same time we could scarcely imagine that the dark-visaged beings, some in long, loose great-coats, some in jackets, some in cocked hats, some in round ones, some in caps, who darted at us keen looks of a very over-clouded cast, had ever belonged to regiments, steady, controlled, and lawful ;—they seemed, rather, the fragments of broken-up gangs, brave, dexterous, and fierce, but unprincipled, and unrestrained. Much of this irregularity and angriness of appearance was doubtless occasioned by the great disbandment of the army that had just taken place. The disbanded had no call to observe the niceties of military discipline, although they still retained such parts of their military uniform as they found convenient. They had not then either pursuits to occupy their time, or even prospects to keep up their hopes ; they still lounged about in idleness, although their pay had been stopped ; and disappointment and necessity threw into their faces an expression deeper than that of irritation—approaching, in fact, to the indications of indiscriminate and inveterate hatred. They carried about with them in their air, the branded characteristics of forlorn men, whose interests and habits opposed them to the peace of mankind ;—men who would cry with the desperate Constance in *King John* :

‘War ! war ! no peace ! peace is to me a war !’”

The English journalist’s first impression was only too correct. France had become a great barrack of idle, unpaid, discontented soldiers, who, unable or unwilling to work, soon began to thirst again for pillage and promotion. The restoration of Napoleon in 1815 was the work of a disbanded or discontented soldiery.

Most of the evils that have scourged mankind

have been cherished by absolute rulers or, it may be, by "the governing classes" who claim falsely to represent the democracy, to amuse or awe the mob. Is it not one of the principal purposes of the Russian army to keep down the peoples of Russia? But military preparations and even war itself will be impossible, as soon as the world is democratically governed in spirit as well as in form, as soon as the object of every government is the greatest good of the greatest number. Under present circumstances national defence is an intelligible ground for maintaining a naval or military establishment; but the necessity of national defence neither explains the continuance of wars (though in much diminished number) nor accounts for the continued increase of armaments. We must find the main cause of the continuance of war and the growth of armaments in the desires of rulers and governing classes, and their notions (generally false) of advantage, but above all in the manifest interests of professional soldiers and sailors and of manufacturers of war material—a vast and ever-growing trade, which can afford to keep its *agents provocateurs* in the press and can subsidise bodies to agitate for military preparations. On the continent the army is still a fetish. Take as an example of honest illusion, the case of a contemporary of mine, Francis Joseph, a man who has been taught (if only he could have learned) in the bitter school of experience, the miseries of war and the futilities of armaments. A well-meaning man, but what a slow learner! He began as the absolute monarch or suzerain of a vast territory from Passau to Padua and Venice. After the Revolution of '48 he robbed



Hungary of her constitution. The war of '59 deprived him of part of his possessions in Italy. The rest was taken from him in '66. In the same year he was forced to regrant Hungary her constitution, and to give Parliamentary Government to Austria. Yet he still thinks that the Army is his salvation. It is really the origin of discontent. He thinks that every penny he can wring from the taxpayer should be spent on the army. The Court of Vienna believes that the army is the emblem of Unity and the safeguard of the House of Hapsburg. The eye of the economist sees that it is the axe laid at the root of an Imperial Government, that the House of Hapsburg is tottering because the tax-gatherer and the drill sergeant make the very name of Austria odious to the nations that constitute the Empire.

If the same economy that has been practised in naval budgets had been applied to the army the position of Austria-Hungary since 1867 would have been enviable. We should have beheld a rapid and steady improvement in the condition of the labouring classes, if even a partial relief had been offered from the burdens of conscription and onerous taxation.

What could have been effected may be seen by the example of Italy, which has made wonderful progress during the last nine years in consequence of a very modest scheme of military and naval retrenchment. I believe, Meyer, you can give us a note on that.

*Meyer.* Ach, yes. Between December, 1895, and December, 1904, Italian 5 per cents. rose from 84 to 104. In the same period British 2½ per cents. fell

from about 102 to 88. I have done pretty well out of Italians, for I bought in their Black Week after the defeat of Adowah, and they have never looked back since. Unluckily I tried the same with our Consols in our Black Week.

*Arbiter.* And they have never looked forward since! Look again at Austria. If Dr. Koerber had embarked on a real policy of retrenchment and reform instead of gradually surrendering to the military clique, I make no doubt that the racial difficulties and troubles would have subsided. Slavs and Italians would not look over the border if they had better conditions and prospects at home. The advantages of fiscal and political union are so obvious that the disintegration of the Austrian Empire would never have been thought of, had the central government been reasonable in its military demands and had it allowed a fair field to local and private enterprise. As it is imperial taxes have choked the spirit of improvement. Everywhere we see stagnation. No wonder that the people are dispirited and dissatisfied with their government. Fundamentally this feeling of discontent in Austria-Hungary is healthy. In every civilised country, from Russia upwards, it is well that the Government should be discredited if things are at a standstill or if progress is slow, still more if there is such a decline in national credit, such a growth of pauperism and crime, as we have had here in England during the last five years. Upon this divine discontent and the sister passion for improvement we ground our hopes for the future. They are the foundations of our belief in the perfectibility of man and state. No man and no country are to be despaired



of however miserable, however debased, however poor and overloaded with debt they be, if discontent and the will to be better survive. In a community that is stationary or falling back every good citizen must be either a reformer or a revolutionary. Therefore, I say the popular antipathy that prevails in almost all Europe against the Military State, however efficient and successful it may appear when judged by military standards, is a sure sign of approaching redemption. It may be slow in coming, there may be great disasters yet in store ; but let nothing deprive us of a glorious faith in the possibility of our demands and the practicability of our programme.

*Clarke.* Besides the diminution of war and the establishment of law and order in a greater or less degree over the habitable globe are encouraging. But what of the establishment of conscription on the Continent of Europe, in Japan, and in some of the South American Republics, together with this vast increase in the military and naval budgets of all the principal states and kingdoms of the world during the last forty years ? In the very act of establishing a precarious peace have we not robbed it of half its fruits ?

*Arbiter.* Our answer must be that the good achieved far outweighs the accompanying evil. The average European has been incomparably better off morally and physically during the last half century than he ever was before. Progress has been incomparably more rapid. The establishment of peace as the normal condition of states for the first time since the collapse of the Roman Empire, and of personal freedom as the normal condition of individuals for the first time

in history, are unexhausted and inexhaustible improvements. They cannot, humanly speaking, cease to work for good. Civilised man has had his first long taste of secured freedom. He has felt the advantage of industry over barbarism, of the rule of justice over the rule of the stronger. True, more wealth has been wasted on war and armaments during the last century than in any previous century ; but the sum wasted in proportion to income has been considerably less. The world is clearly passing from the stage of militarism into the stage of industrialism. In the eighteenth century almost the whole produce of taxation was spent on defence and police. Popular government has already seized upon large sums for education and public health, for roads, parks, and the like. It is every day asking for more. Only by looking back can we measure the rate of progress or even realise that we are progressing.

## II.

To remove doubts and to strengthen our belief that war itself is a removable evil let us recollect first of all how rapidly some evils which philosophers and philanthropists deemed fixed and irremovable institutions have disappeared or are disappearing.

Look at slavery. The last vestiges of serfdom are vanishing in Russia. Europe is practically free from the curse. Slavery has been abolished in the United States, and I suppose one may say that America from Alasca to Patagonia is a continent where men cannot own men. The slave trade is nearly abolished in Africa, and though European capitalists in the

Congo and on the Rand have devised forms of servitude for natives and coolies which may well excite our indignation and alarm, yet I feel confident that economic causes as well as the revolt of humanity will prevent these institutions from being profitable or lasting.

Look at torture: a practice which flourished in every civilised country but England at the beginning of the eighteenth century, and was regarded as an almost indispensable aid to justice, has been absolutely abolished. With what joy would Beccaria and Voltaire have beheld this wonderful transformation. Here at any rate reason has converted the world.

Look at the altered treatment of prisoners and lunatics and paupers, and at the rationalisation of punishment. What a triumph for Bentham. And with what full hearts would Howard and Elizabeth Fry have greeted the change that has come over the institutions they visited and condemned.

Look again at the duel. It is a declining practice in Spain. It exists as a somewhat dangerous and exciting sport in the crack corps of German universities; it is artificially maintained in the German army, and one hears of bloodless encounters between French journalists. But it is everywhere discredited, and will soon be extinct. In our own country it has not been heard of for half a century. If the false ideas of honour among gentlemen that gave rise to the duel are exploded, will not the same fate overtake the same false ideas of honour which have been the fertile source of disastrous wars between nations? If the law can arbitrate upon individual quarrels and afford sufficient vindication to insulted

honour, can it not equally well discharge the task when nations quarrel? It is quite clear I think that international commonsense will no longer allow a drunken officer, or for that matter a sober one, to plunge two nations into war by insulting a flag.

But the disappearance of the duel is no isolated phenomenon. The duel was only one form of private war. With it we must associate the virtual suppression of brigandage in civilised countries and of piracy at sea. In the middle ages every petty baron made war on his own account; a knight errant was a robber; poverty was the traveller's best passport in the most orderly kingdoms of Europe. The seas were equally insecure; the coasts of England, France, and the Netherlands were infested by pirates, and most of our naval heroes, in Queen Elizabeth's name, practised what was then an honourable profession as long as you only plundered the foreigner. It was dangerous to cross the Channel even in those rare intervals when we were at peace with Europe. To a patriot pirate all aliens were enemies, though curiously enough our wisest monarch encouraged alien immigration. In the second half of the seventeenth century, under the patronage of France and England, the buccaneers harried and plundered the Spaniards in the West Indies by land and sea. For the sack of Panama a monster like Henry Morgan was rewarded with the government of Jamaica. In the eighteenth century the police of the seas improved; but it is less than a hundred years since a British fleet bombarded Algiers, to punish the Bey for preying upon commerce in the Mediterranean; it is little more than forty years since our jingoes applauded, rather more than thirty since



they paid for, the exploits of the Alabama. It was a thin partition that divided the privateer from the pirate. The day of both has gone by. If the movements of civilisation are so plainly in the right direction, we shall be further encouraged by observing their dependence on causes that cannot cease to operate, and are almost certain to have an ever-growing influence.

The progress of discovery and invention has multiplied the fruits of the soil and the rewards of industry. Never before has there been in the world so rapid and extensive an exchange of things and persons and ideas. Think of steam, electricity, the post, and the telegraph! Every country has opened its gates to the tourist and commercial traveller. Traffic, cheapened and accelerated by land and sea, has mocked the miserable barriers set up by ignorance or corruption in the old world and the new. Thus the nations have been drawn together by innumerable ties of friendship and interest, light as air but strong as steel, invisible to the mind of the sensational journalist, but none the less real and difficult to break. I have seen over and over again the growing strength of these ties manifesting itself whenever irresponsible mischief-makers on either side have endeavoured to create or inflame a misunderstanding. Our immense commerce with Germany, America, France arrays the millions who are dependent upon it against any action that might endanger it. We may be quite sure that a strenuous opposition would be offered to anything like war. It may be said, however, that commercial competition, "the war for the world's markets" as silly writers like to call it, is a new cause of war. This I doubt very



much. I think a thousand pounds worth of trade was more likely to produce war two centuries ago than a hundred millions' worth to-day. Besides, the fact that no war for trade has ever recouped itself, and the obvious improbability that such a war would ever "pay," are reasons for hoping that this peculiarly base and foolish species of imperialistic enterprise is doomed.

Again, the decline of religious intolerance and the practical disappearance of religious persecution remove a fertile source of war, and especially of civil war. The spread of democracy and of a feeling that men are naturally free and equal, the idea that the distinction of ranks is artificial, and that the accidents of wealth and birth should be as far as possible counteracted, have already made dynastic wars and wars of succession an anomaly. Yet a century ago these were rightly counted by European publicists among the principal dangers to peace. Whether the risk that a military genius like Napoleon might again arise, establish a tyranny, and seek to dominate the world has quite disappeared I will not inquire. But obviously he would not get the same welcome, and I think we may reasonably hope that he would not entertain the same ambition.

*Seymour.* Is there not a danger that the races which are becoming humane and refined may be enfeebled and fall victims to ruder races that retain the passion for war and the lust of conquest?

*Case.* That is part of the argument about the purifying and bracing influences of war that one sometimes hears from the pulpit in times of excitement and crisis, and from poets, laureate and other.

*Arbiter.* Yes. Poor Tennyson fell into a sort of frenzy when the Crimean War appeared. He believed that it would destroy "the canker of peace" and dissipate all our social evils.

*Clarke.* And think of Henley, who wrote a paean every time De Wet's capture was predicted or announced; and of Kipling, who could not bear to think of a schoolboy wielding a bat when he might have been potting at a Boer with a rifle.

*Arbiter.* I have not spoken of the invigorating influences of war, because war in my judgment always leaves a nation weaker, morally, physically, and financially, than it was before. It used to be argued for duels, as it now is for wars, that they "served to counteract the effeminate tendencies of sedentary states of society, and to admonish men of the healthiness and necessity of courage." But Englishmen, who have less of duelling and military drill than any other nation, are the most devoted to sport and physical exercises. I doubt if it can be said that even animal courage is fostered by modern war, though doubtless it makes tremendous demands on the nerves.

*Meyer.* You have said a great deal about the justice and necessity of war, and you have shown that many wars ought to be avoided and would be avoided if their consequences could be foreseen. But what about patriotic wars? Is not patriotism the great cause of war? It was the national patriotic feeling of Germany that brought on the war with France; and it is the national feeling of Japan that has brought on the war with Russia.

*Arbiter.* Undoubtedly patriotism is a word, if not a sentiment, with which statesmen who want war may

conjure. But before we call it a cause of war we ought to define it carefully. Shall we define it simply as "love of one's country"?

*Case.* Properly speaking it is "love of one's native land"; but that would rule out nationalised aliens, so that a considerable number of citizens in every country would be incapable of patriotism. And we know that an alien is often fonder of his adopted country than a native. I therefore agree with your definition.

*Meyer.* And I also. Look at the United States. There you have English and Irish, Russians and Poles, Germans and Roumanians and Italians all equally devoted to the Star-Spangled Banner.

*Arbiter.* Very well then, patriotism is the love not necessarily of one's fatherland, but of the country in which one lives, exercising the rights and enjoying the privileges of citizenship. Now, Meyer, you say that this virtue of patriotism is the principal cause of war.

*Meyer.* Yes; for a patriot cannot allow his country to be insulted, or her interests to be endangered. And surely a patriot wants his country to win.

*Arbiter.* Nay, that is not enough for your argument: you should say: "A patriot wants his country to go to war." We are not considering what is the state of mind of the citizen after war is declared; we are considering its condition before war is declared. Do you think that a patriot must want his country to go to war whenever the opportunity offers?

*Meyer.* No; certainly not. Just now, for instance, with consols at 90, it would be most disastrous. We could not afford it.

*Arbiter.* But supposing there were a good opportunity, and we had a grievance and plenty of money?

*Meyer.* Even then there might be differences of opinion.

*Arbiter.* Among patriots?

*Meyer.* Yes, I suppose so; but after the war had once begun there could be none.

*Arbiter.* Do you mean that those who thought it foolish and wrong before would have to think it wise and righteous afterwards?

*Meyer.* No, not quite that. But the patriot would want his country to win, whether the war was right or wrong, wise or foolish, and *during* the struggle he would not say that he thought her in the wrong.

*Clarke.* Then in the war of American Independence Chatham and Burke and Fox were not patriots?

*Meyer.* Chatham!

*Clarke.* Yes; and he advised his eldest son, who was an officer in the army, to resign his commission rather than fight against the Americans.

*Meyer.* There must be some mistake; Chatham, the founder of the British Empire! Could he have thought it would do us more harm to win than to lose?

*Browne.* The American War was an exceptional case.

*Arbiter.* The exceptional case often clears away doubts and difficulties. We are now all agreed not only that patriots may be opposed to war, but also that, after the war they are opposed to is declared, they may dread the success even more than the failure of their country's arms. And they may continually endeavour to bring about peace as Burke and the "Pro-Americans" did in the early years of the American War, as Fox did in the early years of the French War, as Cobden and Bright and afterwards

Gladstone did in the Crimean War, and as the so-called "Pro-Boers" (men who were by no means confined to one political party) did during the late war with the South African Republics. Patriotism is indeed a virtue. But there is a true patriotism and a false patriotism. The true patriot is the man who sees what is best for his country and tries to do it. If war is always, or generally, bad for a country, the true patriot will be always or generally opposed to it. So far is patriotism from being a warlike virtue, or a cause of war.

*Clarke.* In a slightly different sense patriotism is used for the feeling that binds men of the same race and blood and literature. This may lead to war in two ways. They may be living under antagonistic governments, as the 'unredeemed' Italians in Austria, who want to be joined to Italy, or the Poles, who want to restore the independence of Poland. This is a cause that ennobles, even if it does not justify war. Or, again, they may be so violently national (in their antipathies) that they cannot get on with other people. The love of their own land and nation may degenerate into an ignorant hatred of their neighbours.

*Arbiter.* No doubt warlike dispositions may be cultivated and flourish on the soil of nationality. In that way certainly the instinct of patriotism does become aggressive. It may be played upon by an unscrupulous government anxious to divert popular attention from grievances at home.

*Truelove.* A godless device.

*Browne.* But an old one. Alison, an accurate and painstaking historian as well as a strong Tory, has exposed very frankly and sympathetically the motives that



led the landed aristocracy of England (in alliance with the corrupt corporations of the towns and the whole force of the Established Church) to clamour for a war with France. The French Revolution, he says, had awakened democratic ambition in England. "The desire of power under the name of reform was rapidly gaining ground among the middle ranks, and the institutions of the country were threatened with an overthrow as violent as that which had recently taken place in the French Monarchy. In these circumstances, the only mode of checking the evil was by engaging in a foreign contest; by drawing off the ardent spirits into active service, and, in lieu of the modern desire for innovation, rousing the ancient gallantry of the British nation." That is a candid avowal of the motive that drove Pitt into the longest and most disastrous of all our wars.

*Arbiter.* Another great danger to peace is the spirit of meddling. It was to counteract this danger that the United States made it their settled policy not to interfere in the concerns of Europe. As far as English policy is concerned, the doctrine of non-intervention, if not invented, was first brought prominently forward and pressed on our statesmen by Cobden. It came to this: under no circumstances is it desirable or expedient, under few if any circumstances is it permissible or justifiable, for a State like ours to depart from a position of absolute neutrality in the quarrels, either internal or external, of other States. It amounts, I think, to a condemnation of alliances—certainly of offensive alliances. Before the doctrine of non-intervention had fairly taken hold we drifted into the Crimean War. That is the only plain exception

I know of to our maintenance of the new rule of statesmanship, until it was again infringed in the case of the Transvaal, and that exception is now admitted by all parties to have been a disastrous mistake. It often happens that disorders arise in other States ; perhaps there is a revolution ; perhaps there is gross corruption and maladministration of justice ; perhaps a British citizen who has gone there for sport, or to make money, or to make converts for some religious organisation, suffers some injury to his person or property. What is to be done ? Above all, be cool and dignified. Do not bluster or bully, as Palmerston did in the case of Don Pacifico. Generally the best way, as a good friend of mine once pointed out in an address on this subject, to help a State which is in disorder to get back to order is to allow "medicatory influences" to operate. Let its self-respect, its notions of what is right and fitting, come into play, and such a State will work out its own salvation. So Abyssinia after British, and Mexico after French intervention, recovered their prosperity for themselves. In other cases, such as Belgium and Greece, good has certainly been done by the benevolent intervention of neutral Powers acting in concert.<sup>1</sup> Belgium was saved from the Dutch, whose rule was felt to be oppressive. Russia, France, and Great Britain certainly did good by joint action when they insisted that the Sultan of Turkey should recognise the liberty of Greece. The intervention of the United States in Cuba was single-handed, and their war with Spain lost its disinterested character when they seized

<sup>1</sup> Cp. Switzerland and Luxemburg and the proposed neutralisation of Holland and Denmark.

and held Puerto Rico and the Philippines. To proceed by concert with other Powers is one thing. Single-handed armed intervention, however good its motives and aims—*e.g.* to rescue the oppressed, to restore liberty, or prevent massacre—must always be suspected. In short, I doubt whether results have ever justified one nation in going to war alone on behalf of another, or in making a treaty which would require them to go to war on behalf of another State. No statesmen should ever sign a document that might bring his country into a war, not on the merits, but, as it were, on the bond. Friends of liberty, I know, are under a great temptation to assist revolutionary factions in other countries. But such assistance often prejudices the cause. For a party that calls in foreign assistance always incurs odium and sometimes merits it. Upon the whole I should say that the improvement of the world during the last fifty years is very largely due to the adoption by most civilised States in a greater or less degree of the grand rule of non-intervention. Nearly all our own misfortunes during the last ten years may be traced to neglect of this principle. But we have not yet slipped back to where we once were. To show you the old style of English foreign policy and the tradition which Palmerston kept up as long as he could, let me read you a quotation from an English newspaper for October 22nd, 1834 :

“As at home, so abroad ; the Whigs have failed in all their negotiations, and not one question have they settled, except the passing of a Reform Bill and a Poor Law Bill. The Dutch question is undecided ; the French are still at Ancona ; Don Carlos is fighting in Spain ; Turkey and Egypt are at daggers drawn ; Switzerland is quarrelling with her neighbouring states about Italian refugees ; Frankfort is occupied by Prussian troops in violation of

the treaty of Vienna ; Algiers is being made a large French colony, in violation of the promises made to the contrary by France in 1829 and 1830 ; ten thousand Polish nobles are still proscribed and wandering in Europe ; French gaols are full of political offenders, who, when liberated or acquitted, will begin again to conspire. In one word nothing is terminated."

Upon this Cobden remarked, "It is plain that, if this writer had his will the Whigs would leave nothing in the world for Providence to attend to." The particular case under consideration was that of Turkey. His special argument against interposing there was that, if we would remodel Turkey, we must act in conjunction with Russia, Austria and France, and that there was at the time no hope of inducing these powers to a sincere and disinterested co-operation. But his general argument for strict neutrality is so cogent and instructive that you must let me give it in his own words :

"We are aware that it would be a novel case for England to remain passive, whilst a struggle was going on between two European powers ; and we know also, that there is a predilection for continental politics amongst the majority of our countrymen, that would render it extremely difficult for any administration to preserve peace under such circumstances. Public opinion must undergo a change ; our ministers must no longer be held responsible for the every-day political quarrels all over Europe : nor, when an opposition member of Parliament, or an opposition journalist, wishes to assail a foreign secretary, must he be suffered to taunt him with neglect of the honour of Great Britain, if he should prudently abstain from involving her in the dissensions that afflict distant communities."

Twenty-five years later Cobden rejoiced to see such an outburst of public opinion in England against intervention in the Italian War as made it impossible

for a Palmerstonian cabinet to do anything but observe strict neutrality. "I must congratulate this country," he said, in a speech at Rochdale which I well remember, "that we have for the first time almost in our modern history, seen great armies march and great battles take place on the continent without England having taken any part in the strife." This habit of non-intervention in the domestic concerns and civil strife of other countries, together with the habit of being content to look on when other countries are so foolish as to go to war, is now almost as universal as the opposite custom was in the eighteenth and all preceding centuries. Professional statesmen are slow learners; but it is to their credit that they have at last learned, first from the United States then from England, the wisdom of neutrality. When a great war breaks out the instinct of neutral states is, if not to put out the fire, at least to prevent it from spreading.

*Meyer.* But surely if there were non-intervention there would be no war and patriotism would die out.

*Arbiter.* My friend, you are incorrigible; you are making the old mistake of regarding patriotism as the distinctive virtue of soldiers. If that were so the Germans would be the most patriotic, the Englishmen the least patriotic; for in Germany every citizen is a soldier, whereas we carry on our wars with mercenaries who are paid so much a day for killing our enemies. Patriotism is the love of one's country, of its laws and institutions, its languages and traditions.

*Meyer.* I admit I was mistaken in counting patriotism a purely military virtue; but surely it is the highest mark of patriotism to die for the State.



*Seymour.* Then the soldier is more of a patriot than the general.

*Meyer.* Why? I don't understand.

*Seymour.* Because the general only telephones the instructions which lead to the soldier being killed, whereas the soldier is actually killed.

*Clarke.* And I suppose the Prime Minister is less patriotic than the General; for he is still further removed from true patriotism, which is death. He only frames the policy that sets armies in motion and enables the General to give the instructions that lead to slaughter.

*Seymour.* Politics are beyond my province, but I am quite sure Admiral Tracy will agree with me that patriotism is no necessary part of a soldier's or a sailor's stock-in-trade. Any brave semi-barbarous race, if well handled, may be induced to fight the battles of a civilised conqueror. Look at the long devotion of the ferocious Croats to the House of Hapsburg, or look at our own experiences in India. We found races with plenty of animal courage like the Sikhs and Ghourkas; we fed them and paid them properly and they have fought almost as well for us as they did against us.

*Admiral Tracy.* During the war with Napoleon many of our sailors were Americans and Norwegians pressed into the service. They fought well enough.

*Browne.* There was a time when the Swiss Mercenaries were esteemed the best soldiers in Europe, and for centuries it was the custom of German princes to let out troops on hire to a friendly sovereign. The Swiss were regarded as specially loyal and trustworthy troops.

*Clarke.* What of the Poles and the Tirolese and the Hungarians and the Boers?

*Arbiter.* It is not denied that patriotism often inspires desperate valour. But valour, not patriotism, is the military virtue. Men naturally courageous and fond of adventure but devoid of patriotism may, and often have, been the best soldiers. Then I suppose it will hardly be contested that military qualities are but a slight protection to nationality. The German, whose courage and aptitude for military discipline are renowned, denationalises very quickly. Meyer can tell us how soon his friends from the Fatherland take colour from their English surroundings.

*Browne.* And what have the splendid conduct and victories of the German soldiers in Austria done to maintain the Öst Reich. Fashion all but Germanised Hungary and Bohemia in the days of Maria-Theresa, but force has not helped the empire against the disintegrating forces of nationalism.

*Seymour.* Nations strong in national feeling may be very deficient in military virtues. Yet for all that they may recover their liberty and extrude the military conqueror. Do you remember that excellent saying of Bismarck's when he was told that the Italians had regained a province. "What, and without losing a battle!" The German Tirolese still remember the drubbing they gave the Italians at Custozza in 1866.

*Clarke.* The fact is, you can't govern a nation against its will. What are the weakest spots in the German and Russian Empires? The Polish provinces. In Austria the Poles give comparatively little trouble, because they have autonomy.

*Truelove.* Conquest and dominion invariably injure the conquering, or as we love to call it, the imperial race. But to the governed may not an empire under certain circumstances, and for a time, be a real blessing?

*Arbiter.* It depends upon your system and your governor. In his account of the Straits Settlements Lieut-General Sir A. Clarke states that when he arrived as governor at Singapore, in November, 1873, the sea was infested with pirates and the coasting trade suspended. The question was how to restore order and prosperity?

The principles on which he acted were very simple. Personal influence always has great effect upon natives of the type of the Perak chiefs, and this influence he endeavoured to apply. Where it was possible he sought interviews with them, and pointed out the effect of the evils from which the country was suffering. Their real interests were peace, trade, and the opening up of their country. In place of anarchy and irregular revenues he held out the prospects of peace and plenty. "I found them in cotton; I told them that if they would trust me I would clothe them in silk. Their rule had resulted in failure; I offered them advisers who would restore order from chaos without curtailing their sovereignty." They listened to reason; and since that time, adds this experienced administrator, "I have often wondered how many of our useless, expensive, and demoralising small wars might have been avoided by similar modes of procedure. The temptations to make war are far stronger than is generally known. A butcher's bill appeals to the dullest imagination, and speedily brings down rewards and honours,

which the mere negotiator, however successful, cannot hope to obtain. Perhaps a future analyst of causation will be able to tell us for how much slaughter and wasted treasure decorations are responsible."

To show what advantages followed the adoption of this system let me give just one sentence of statistics: From 1876 to 1896 the imports of Perak as a British Protectorate, rose from 831,000 to 8,700,000 dollars, the exports from 739,000 to 15,596,000 dollars; and the population from less than 50,000 to 280,000.

*Ego.* I wish you would enlarge upon the government of dependencies.

*Arbiter.* Ah; that is a vast subject indeed. I have only opened it. What a bubble is the bubble of expansion. How worthless, empty, and attractive. I doubt if the thirst for empire will be quenched before the whole habitable globe is mapped out into spheres of influence. However, that process is nearly accomplished. As to the government of dependencies, when any young man asks me about colonial empire, I advise him to read the whole series of Lord Cromer's Reports on Egypt. There you have the record told year by year of the regeneration of Egypt; how in twenty short years that miserable Turkish province has been rescued by sound finance, lawful administration, tact, moderation and patience. But our empire is far too large. In Southern and Central Africa we have clearly done more harm than good to others as well as ourselves. The hundreds of millions of money that have been spent out there on useless wars ought to have been kept at home. If half the organising ability and half the treasure

that have been squandered to conquer savages in the tropics had been laid out at home in rebuilding slums, in reclaiming criminals and unemployables, and in making the life of the poor more tolerable, we should be a stronger, healthier, and happier nation.

*Clarke.* It is difficult, of course, to lay down any maxim of government that is of universal application at all times, and under all circumstances. But experience is surely teaching Europe not to seek empire in tropical countries. The conquest of alien races, especially of a different colour, nearly always corrupts the individual, and never profits the state. Think of Brutus and his financial gang in Asia Minor; think of the Slave Trade; think of the East India Company and Burke's catalogue of its iniquities; think of the Spanish hunt for gold; of the Chartered Company and Rhodesia; of Germany and the Herreros; of the water cure in the Philippines; think of the Congo State and King Leopold. It makes one shiver and shudder, this picture of Europeans and their colonists as the bloody extortioners of Asia and Africa. And then there is always retribution; punishment may be slow and halt, but she never fails to overtake a guilty nation. See how pirate speculators and speculators have corrupted the political life, sapped the vigour, and often brought financial ruin upon the nations whose governments permitted, or abetted, or concerted their crimes against humanity.

*Arbiter.* I believe in my heart that the days when civilisation could be spread by armies are gone by. Commerce and printing are the distributors of inventions, art and science and learning are the agents of civilisation. How could European conquests have



communicated European standards of law and government to Japan? The Japanese have learnt more from the West, infinitely more, in twenty years than the natives of India in ten times that period. And the Japanese have kept their vivid sense of nationality, their pride, their self-respect.

*Clarke.* They have learnt, but they have not surrendered. The Indians have surrendered but they have not learnt. Abyssinia is another case. It was well for her that she was strong enough to resist the European invader.

*Meyer.* Why, I believe you are glad that the Mad Mullah escaped us.

*Case.* And why not? If you read between the lines of the official blue books he was a man to have been encouraged and helped, not hindered. His only faults were his virtues. He was so good a judge that his authority and influence extended until it awoke the envy of a British Consul, who imagined (I suppose) that war would mean promotion.

*Arbiter.* A wise government with an extended Empire should keep a very tight hand upon its agents, and should take care that men of good sense and intelligence and sympathy are posted in places where the native chiefs need careful handling.

*Ego.* Of course the Consular Service is a branch of the diplomatic. Do you regard diplomacy as a means of preventing war?

*Arbiter.* Certainly it should be. It is a question of the men selected and of the spirit breathed into the foreign office by its chief and his principal subordinates. If an administration wants war the Ambassador is instructed to find a pretext. I hope

there are Ambassadors—certainly the late Sir Julian Pauncefote was one—who would rather resign their office than become the instruments of war-making diplomacy. But there have been and are undoubtedly others who have led peacefully disposed governments into war. When Lord Clarendon said we ‘drifted’ into the Crimean War he only expressed half the truth. The other half is that Lord Aberdeen and his colleagues were piloted into war by Lord Stratford de Redcliffe, their Turcophile Ambassador at Constantinople.

*Clarke.* And in the same way Milner as High Commissioner and representative of the Colonial Office made a peaceful settlement with Kruger very difficult.

*Ego.* You remind me of two epigrams I once heard in the All Souls Common Room. The talk ran on war and diplomacy and one of the Fellows said : In the middle ages war was the normal, peace the exceptional state. Now the position is reversed and we see the difference in diplomacy. Mediaeval diplomacy aimed at the conclusion of peace. Modern diplomacy aims at the conclusion of war. “Yes,” exclaimed another, “and therefore the Mediaeval diplomacy started with a furious exchange of insults and gradually sank into courtesy. Modern diplomacy starts with compliments and ends with threats.”

*Case.* That was certainly so in the preliminaries of the Boer War and of the present war between Russia and Japan.

*Seymour.* What you said about ambassadors resigning office rather than becoming the instruments of injustice would apply logically to other branches of the public

service. Is it not better that the whole responsibility should be taken by the Ministers, and that the ambassadors, generals, and so on should be regarded as guiltless instruments.

*Arbiter.* If the instrument is guiltless what an awful load of blood guiltiness rests upon the Ministers who bring about an unjust war. But I don't see myself how it is possible for soldiers, sailors, and servants, and other paid agents of the State to shuffle off all moral responsibility. Leading officers in the British army and navy refused to serve in the war against our American colonies. They could not prevent the crime, but they would not participate.

*Seymour.* I have never seen the question touched in the military text-books, it is always assumed that soldiers must "submit their judgment."

*Clarke.* And yet I doubt if you would find any Christian or Pagan Moralist to admit that in such cases personal responsibility ceases.

*Admiral.* So far as I can see, war, whether by sea or land, requires implicit obedience to orders. On a ship of war almost every act of the sailor's life is regulated by his superior officers. Such a life naturally weakens and destroys habits of independent thought. You can't expect the crews of the navy, or the rank and file of the army, to judge the justice or injustice of a particular war. They have chosen a career which binds them to fight when required. As for officers I have never seen anything for it but this. If you are asked to serve in a war which you feel to be unjust you should refuse, and if necessary resign your commission, only taking up arms in such a case where the defence of the country requires it.

*Seymour.* I like your rule, it seems workable.

*Arbiter.* But it leaves one with the conviction that for the great mass of soldiers and sailors discipline is a substitute for morals.

*Truelove.* And the habit of obedience for the voice of conscience.

*Seymour.* Certainly ; and that is as you would expect ; for, as the Duke of Wellington said, *war is a most detestable thing*. We soldiers agree to fight, if necessary, though we know it to be detestable. Under a system of conscription every one is compelled to learn how to fight, though I believe in most countries conscientious objectors are allowed to pay a fine instead. Is a conscript less of a moral person than a soldier who enlists ? And what about the morals of a volunteer ?

*Case.* My dear Captain ! You are leading us into a labyrinth of casuistries. Let us be content with a simple statement :

“*Rara fides pietasque viris qui castra sequuntur.*”

If you want morals you don't go to a camp or a battleship.

*Admiral.* Any more than if you want justice you go to the Temple.

*Arbiter.* After that exchange of courtesies I had better go on with my paper.

The great features of military history in the last 50 years are first the development of explosives, guns, artillery, and all the machinery of destruction by land and sea, and second, the extension of the system of conscription over practically the whole continent of Europe. This might seem to confirm the theory that as war always has existed it always will exist. Does

it not at least betray a nervous consciousness among all nations that their disputes must be decided by war, and that therefore their whole population must be trained to fight.

In my judgment it is far more probable that conscription will be the cure of militarism. Military development has run its course and ended—in a mire. Every able-bodied Russian, German, Frenchman, Austrian, Italian is a soldier, in order that his Government may have the advantage of its neighbour or rival in a dispute. The result is no gain, but much loss. A standing army of say one soldier to 1000 or of one soldier to 10,000 of the population would give the same balance of power, and would enable all the nations to reap the fruits of peace; and if they are content to abandon the idea of extending their boundaries, and removing their neighbour's landmarks, diplomacy and arbitration will settle disputes in a manner far more equitable and satisfactory to all parties. But it would seem the governing classes of Germany and Russia at all events hold the opinion that great armies are the support of Government, that great armies alone can deliver the existing order from the menace of Socialism and Nihilism, and that, apart from the overwhelming power with which the army supplies the executive, military service acts beneficently on the masses, teaching discipline, obedience, and order. The view that government rests upon force, that force is embodied in the army, and that compulsory service raises the morality, the physique, and even the intelligence of the population, is highly characteristic of modern bureaucratic policy.



Bloch declares that on the Continent the propertied classes see safety in large armies, safety apparently not so much from external foes as from an internal revolution. If he had said "official classes" he would have been right ; but I think that, in western Europe at any rate, merchants and manufacturers, generally speaking, dislike militarism, and would disclaim the sentiment. But it is true that the well-to-do, and especially those who are busied with money making, are easily hood-winked by the official arguments put forward for more and more expenditure upon military purposes ; and of course, as the army increases, an increasing number of families are interested in the advancement of younger sons as officers or in lucrative contracts for supplying the troops.

Wherever the press is under official control, or is corrupt, or is largely in the hands of syndicates, possibly run by contractors, all manner of plausible lies can be circulated in regard to the inadequacy of national armaments, and reports are easily spread of tremendous preparations or threatening movements by other countries which require still more tremendous counter preparations on our part. The public does not investigate rumours, nor can it, as a rule, test the statements officially made ; and so until the weight of taxation becomes oppressive it suffers itself to be misled by the idea that the greater its army or its navy, the greater is its security. Then there is always a crowd of fools who think after the writers in the cheap press, imagining that huge armaments stimulate industry and so actually increase the prosperity of the nation. Illusions like these

will always exist, but they need not be allowed to influence national policy. Every one who is capable of being taught ought to be taught that public money spent unnecessarily is wasted wherever it is spent. The theory that war is inevitable is always mixed up in argument with the theory that military service is a moral, and military expenditure an economic, blessing. I have said something upon the first theory, and I hope that we shall be able to throw more light and discredit upon it during the week. In view of the recent disclosures in Germany and France, it is, I hope, unnecessary to prove that two years of barrack life are undesirable for young men ; but it is worth while to observe that, even judged by the standpoint of military bureaucracy, which desires to teach the lower classes to be humble and obedient instruments of their superiors, conscription has not been a success. It has embittered the relations between classes ; it has no doubt broken the spirit of many, but it has aroused a general and wide-spread feeling of disaffection and discontent all over the continent. Since the war of 1870, to "the lessons" of which, with its predecessors in 1848 and 1854 and 1859 and 1866, the necessity of compulsory service has been generally attributed, revolutionary tendencies have spread rapidly in Russia, Germany, and France. The growing strength of the Social Democrats in Germany and of the Socialists in France is the best answer to the military professor who tells us that conscription is the only safeguard of the constitution. What if a whole population strikes against war ? What will happen to an order that rests on force when a majority of the army is

opposed to it? Yet it seems possible that the Social Democrats (an insignificant group in the early seventies) may in a few years elect a majority of the members of the German Parliament. Surely it is significant that only in militarist nations are revolutionary politics in fashion. How many socialists and anarchists are there in Great Britain and the United States? I think there is one avowed socialist in the House of Commons, and he is dependent for his seat on Liberal votes. As for the Socialists and Nihilists and revolutionaries of all shades who have been pouring into the United States for so many years by tens of thousands a year—the salt water seems to have drenched their enthusiasm. Their discontent with society vanishes in a country that is so free and prosperous compared with their own; and if they retain their revolutionary propaganda they do not direct it against the American constitution. No: conscription is a dangerous weapon for tyrants. It is strange that the Czar, who will not give a vote to one of his subjects, insists upon each one having a rifle and being taught to use it.

*Case* (grimly).

“Manus haec inimica tyrannis

Ense petit placidam sub libertate quietem.”

I wonder how many Lucans or Sydneys there are in the Russian and Prussian armies?

*Clarke*. Good wine needs no bush; and a good constitution needs no rifles to protect it.

*Arbiter*. I don't think that the movements of popular opinion altogether escape the rulers of those two Empires. It was the Czar who summoned the Hague Conference, and the German Government,

after scoffing at the Hague Tribunal, has been very happy to conclude an Arbitration Treaty with us. It is pleasant too to think of Kant and Tolstoj, and to remember that some of the noblest pleas in favour of peace have been raised in the most unlikely quarters. Forces growing in majesty aid us in this struggle against war and militarism. Humanity, Utility, Christianity, are more than symbols and catchwords. The teaching of Christ in the Gospels, and pre-eminently in the Sermon on the Mount, is nothing if it is not a gospel of peace and love. Our Lord's meaning is so unmistakable that a man who endeavours to incite war or disturb peace between nations, let him be Pope or King, Bishop or Minister, preacher or writer, is no Christian. If he succeeds, the guilt of bloodshed is upon him far more than upon the humble agents who pull triggers and load maxims, though, as I said, they cannot wholly escape responsibility. I can imagine no Furies so dreadful, no remorse so intolerable, no penitence so unavailing as attend the man who has instigated an unjust or unnecessary war. On the other hand no one will be blessed with a good conscience and all the inward peace and happiness that God can give or man enjoy in ampler measure than the peacemaker and the peace preserver, who, to the best of his ability, has exerted himself to prevent the outbreak of war or to hasten the return of peace. Such a man is the true Christian, the true hero; his moral courage, when he withstands the popular fury, when he warns, conciliates, and inspires, is infinitely loftier and nobler than the physical courage of the warrior who risks his life in the pursuit of glory. It has been objected, I

know, by some very religious writers, who believe war to be a necessity and even a good thing, a sort of national purification, that war was never prohibited in so many words by Christ. He repeated the commandment, "Thou shalt not kill," which was no doubt directed against the murder of one individual by another in a private quarrel; but he never said, "Thou shalt not go to war." This is of course perfectly true, but a satisfactory answer is very easily made. The method of Christ as the teacher of an improved system of morality was to transfer praise and censure from the outward act to the inward grace or sin—from the crime or good deed to the intention or disposition which results in good or bad conduct; and though he never forbids war in express terms, as he never forbids slavery, yet he does attach guilt to all the passions which lead to war as well as to all the actions which war involves. As Erasmus said, "Christians who defend war must defend the dispositions which lead to war; and these dispositions are absolutely forbidden." If you love your enemies, it is difficult to see how you can run them through with a bayonet, or pick them off with a rifle, or blow them to pieces with a shell, or send them to the bottom of the sea with a torpedo.

This objection a learned apologist for war has met by recommending a soldier to maintain feelings of friendliness and goodwill towards his enemies even while he is shooting and stabbing them.<sup>1</sup> So Gisborne, in his *Duties of Men*, gravely advises the soldier "never to forget the common ties of human nature by which he is inseparately united to his enemy."

<sup>1</sup> W. Hay, F.R.S., in his *Essays*.



If any further argument were required to elucidate what is plain to the humblest reader of the New Testament I would give two more indications. One is, that of all the Beatitudes the most emphatic is pronounced upon the peacemakers. "Blessed are the peacemakers, for they shall be called the children of God." Another is, the attitude of James, who asks in the Epistle: "Whence come wars and fightings among you," and answers in the form of a question: "Come they not hence even of your lusts that war in your members?"

Thus James, no questionable interpreter of his divine brother and Master, directed the infant church to work for the abolition of war, not by direct prohibition, but by the removal of the dispositions, passions, false notions of interest, and wrongful ambitions that lead to it.

It is not at all necessary for me, looking upon war as a barbarous and uncivilised thing, and regarding it as in the nature of promiscuous murder, to clamour for its immediate cessation, to demand that my own country should immediately disarm and totally abandon the maintenance of an army and navy. Nor, I conceive, is it necessary, wise, or right that I should follow Tolstoi's example by advising English soldiers to refuse to fight, though I might, I think, be justified in so doing if an attempt were made to introduce conscription into England. The duty of an opponent of war is to endeavour to promote its abolition by the means which are most likely to attain the end in view. In the first place, we should discredit the shallow pretexts that have so often been held to justify war; secondly, we should discredit the excessive armaments

which only serve to stimulate competition in this most disastrous and devilish branch of human industry ; thirdly, we should seize every opportunity of explaining and popularising the only civilised and reasonable method of settling international disputes, that is, by resort to arbitration. There are other indirect means by which lovers of peace will strenuously endeavour from time to time to serve the cause ; they will bring home to the minds of their fellow-citizens the essential connection of unproductive expenditure with oppressive taxation and of oppressive taxation with high prices, low wages, and lack of employment. They will insist on the folly of intervening in the internal politics of other countries, and on the duty of friendly mediation to prevent or to put an end to war, and they will never be tired of illustrating the truth, so often denied, that the prosperity of other countries is not prejudicial but contributory to our own.

### III.

*Clarke.* You have given us an account of the causes of war and what wars have at different times been regarded as just and legitimate. But you haven't told us what the Greek philosophers thought about the subject. I remember that Aristotle has discussed it ; and as there are two Oxford men here, and every Oxford man is an Aristotelian, we might fairly ask them to give us an exposition of their master's views, so that we may see in what respects, if any, twenty-three centuries have improved the philosophy of war and peace.

*Truelove.* Aristotle is very concise in his treatment

of war ; and I cannot pretend that the philosopher appears in this at his best. He falls far short of Christian enlightenment, and there is one unregenerate sentence that almost foreshadows the worst type of modern jingoism. It is in the 15th chapter of the Fourth Book of the *Politics*. After saying that courage and endurance are the virtues of an active life, and that "philosophy" is required for the life of contemplation and leisure, he says that both, but the latter especially, need moderation and justice, "for war compels men to be just and moderate, but the enjoyment of good fortune and peaceful ease tends to make men insolent."

*Ego.* But I think he never actually argues that war purifies a State or the men who engage in it, much less that it is a good thing in itself ; on the contrary, he is fond of saying "the end of war is peace." This is, at any rate, better than the awful European conception that the end of peace is war, and that the great object of peaceful interludes is to enable great nations to prepare vast armaments with a view to fighting their neighbours.

*Truelove.* I quite agree. In the previous chapter Aristotle analyses the causes of war and the reasons for training soldiers. It is not, he says, to enslave men who do not deserve slavery, but first to prevent ourselves from being enslaved by others ; second, to seek power, not with the object of obtaining a universal despotism, but for the good of our subjects ; and, thirdly, in order to make slaves of those who deserve to be slaves. Thus a justifiable war must be waged either in self-defence or in order to extend a sway and influence that will be beneficial, or, thirdly,

to carry out the intentions of nature by enslaving those who were naturally fitted to be slaves—barbarians and the like. But, he says warningly, the law-giver should be very careful to make his military regulations subservient to peace and to the promotion of leisure for his citizens. This principle, he says, is inculcated by experience and history. For most cities save themselves by war, but collapse on the acquisition of empire. And if, like steel, they lose their temper in peace, that is the fault of their legislation and government.

*Clarke.* Thank you. I wonder if you remember—but I suppose he is forgotten in modern Oxford—that Congreve, who transplanted Positivism to England, wrote a commentary on Aristotle. There he mentions two other grounds of war, the maintenance of the balance of power and the duty of strong States to interfere to prevent the oppression of weak States. The maintenance of the balance of power was the favourite cause, or pretext, of the eighteenth-century wars; the moral obligation of the strong to defend the weak has been so often put forward as a ground for unjust and indefensible wars that one is perhaps inclined to deprecate it altogether, and to assume too hastily that it never was or can be the real motive of a nation. Curiously enough, Comte, the founder of positivism, is said to have approved the Crimean War on this ground as a measure of police, and his English disciple Congreve, though he denies its application to the Crimean War, looks forward to a time when the civilised nations of Western Europe, “who form the vanguard of humanity,” shall do their best to put an end to the reign of unlawful domination, by

whomsoever exercised, whether in India, Algeria, Italy, or Hungary. "But the time is distant yet," he says, writing in 1855, "when such a ground can fairly be taken." For my own part I own that it is hard to find many examples of wars which could fairly be called just, necessary, and advantageous. But in my opinion a successful war of self-defence waged against the encroachments either of a domestic tyrant like Charles I. of England, or of a foreign tyrant, like Philip II. of Spain, deserves to be so styled.

*Arbiter.* Your examples are strong, and one might plead that such tyranny is not practised now. But remember that even where the morality of resistance is made out, a very important question remains, namely, what method should be adopted. It is not always advisable to fly to arms. The method of the Finns in the face of far greater provocation may well prove more efficacious than that adopted by the Boers. In the same way the Irish Nationalists have rightly attracted far more sympathy and have made far more headway since they adopted constitutional resistance in lieu of nihilism, or, if you like, parliamentary obstruction in lieu of agrarian outrages. From Fenians and dynamitards Ireland got coercion acts; from Parnell and Redmond she has got Land Reform and local self-government.

*Seymour.* How about Holland?

*Browne.* Whether the Netherlands could have maintained their privileges against Philip without war is a difficult question; but certainly the early stages of the controversy were badly handled. Romance has done its best for the Beggars; but they were not enlightened patriots—nay, I'm afraid we must say they



were sad rascals, and very lucky to have gone down to posterity as Founders of the Dutch Republic.

*Seymour.* Well ; how about England, then ?

*Browne.* As for the Civil War, would not English liberties have been established sooner without it ?

*Clarke.* I remember that, in an imaginary conversation of Macaulay's Milton, he is made to defend the Civil War as the only means of securing good government. The argument was, that people are too apt to consider war as a worse calamity than tyranny, because its miseries are concentrated in a short space of time and so may easily be taken in at one view, whereas the misfortunes of tyrannical government, being distributed over a long period, make a less display, though they may be more grievous and oppressive. When the devil of tyranny has sojourned long in the body politic he will not go forth without great convulsions. Shall he then be suffered to remain in the body, lest in going out he should tear and rend it ?

*Arbiter.* You remind me of a saying in these parts, that there are many more ways of killing a dog than choking it with butter ; and I say, with all respect to Macaulay's Milton, that there are more ways of ridding a state of tyranny than by war. Hampden did better for England by steadfastly refusing to pay ship money than by taking up arms. Our own glorious revolution and our still more glorious Reform Bill were accomplished practically without bloodshed. I think they did more, on balance, for liberty and good government than most of the revolutions that have been accomplished by force of arms. But the time is getting late, so I shall ask our historian to bring

the day's proceedings to an end by reading a brief narrative which he has been good enough to prepare at my request.

## IV.

*Browne.* A work that should exhibit a comprehensive comparison of the actual product of wars with the declarations and promises that accompanied their outbreak would be a treasure of inestimable value; for the warning voice of the historic Muse is never so clear as when she contrasts the pretexts and occasions that provoke hostilities with their conclusions and consequences. Peace, Trade, Freedom, Honour, Security, Defence, Justice. How many declarations of war have turned upon these words? How many rhetorical flourishes have they not contributed to those who by tongue and by pen have excited and defended particular wars? My task is to undertake such a comparison of causes and consequences for one short period—to write as it were a chapter of the great work. I confine my attention to the principal wars in which England was engaged from our Revolution to the French Revolution:

No sooner had William III. ascended the throne of England, than the nation engaged as a principal in the war carried on against France by Austria, Holland, and Spain. Our intentions, as set forth in the declaration of war, were to assist the Emperor to repel the encroachments of the French upon the Newfoundland fishery, and to recover possession of Hudson's Bay, to maintain the interests of English commerce and the supremacy of the English flag, to protect the French Protestants, and to oblige Louis to withdraw

his support from the Stuarts. The Dutch complained chiefly of injuries to their trade ; the Emperor of the aggressions of Louis in general, and the seizure of the Palatinate in particular.

When “the war of the Grand Alliance” had lasted seven years—during which Italy, Germany, France, Hungary, and Spain, had been deluged with blood ; while England had seen her commerce almost ruined, taxes multiplied, and a national debt contracted for the first time—a temporary suspension of hostilities was produced by the Treaty of Ryswick. By that instrument, the claims of the Palatinate were left to arbitration. Louis gratified the honour of the Emperor by demolishing the fortifications on the right bank of the Rhine. He also restored some territory to Austria, but only on condition that the severe laws which supported the Catholic worship should remain unaltered ; in consequence of which nearly two thousand churches were compelled either to abjure the reformed religion, or to suffer the penalties attached to its profession. A memorial was presented to Louis on behalf of his persecuted Protestant subjects, but upon its rejection they were abandoned to their fate. Yet zeal for the Protestant cause was one of William’s ostensible motives for entering upon this war. To Spain, indeed, the King of France made some sacrifices, but only with the design, afterwards executed, of more easily ensuring the whole Kingdom to the House of Bourbon ; moreover, it was evident, from the question of the Spanish Succession being left undetermined, that Europe was soon to be the theatre of a new war, derived from the very evils the old one had been intended to remove.

We meanwhile had deserted our German allies ; our claim to Hudson's Bay was referred to future arbitration ; and how far the remaining objects for which England and Holland had declared war were from being attained is manifested by the respective declarations of each nation when war again broke out in 1702.

England then protested against fresh infringements of her commercial rights, and against the continued countenance afforded to the Pretender. The Dutch declared that "the Republic was deprived of a barrier for which she had already maintained two bloody wars" ; and that "the late treaty was no sooner ratified," than the French recommenced their encroachments on her trade. The House of Austria claimed by right of inheritance, and by virtue of the partition treaty signed in 1700, a large part of the kingdom and dependencies of Spain, which the French monarch had already succeeded in appropriating to the Bourbon family. England and Holland also thought themselves interested in preventing the growth of the power which might result from a union between these two kingdoms. The King of France, of course, in his counter-declaration, charged the allies with being the aggressors, and asserted the justice and necessity of self-defence. After all the sanguinary battles fought in pursuit of these objects, between the years 1702 and 1713, the following were the principal conditions of the Peace of Utrecht. The grand aim of the Grand Alliance, which had been to effect a permanent separation between the French and Spanish crowns, was secured only by an *unguaranteed* promise on the part of the Bourbon family, that the two kingdoms should

never be united ; a renunciation to which they readily consented, having declared it to be null and void by the fundamental laws of France ; and one so fallacious, in the words of a protest entered in the House of Lords, that no reasonable man, much less whole nations, could ever look upon it as any security. The commercial treaty procured for England was thought so unfavourable to the interests of trade, that the Bill for rendering it effectual was rejected by the Commons, in consequence of the numerous petitions against it from merchants in all parts of the country. Nor was any alteration produced in Louis's conduct towards the Pretender by his recognition of Anne's title.

The Dutch were hurried into a treaty, in many respects less advantageous than the one by which their pensionary Heinsius had declared they would lose the fruit of all the blood and treasure hitherto expended. In regard to Austria, Marshal Villars justly remarked that "after a war of fourteen years, during which the Emperor and King of France had nearly quitted their respective capitals, Spain had seen two rival kings in Madrid, and almost all the petty states of Italy had changed their sovereigns, a war which had desolated the greater part of Europe was concluded on the very terms that might have been procured at the commencement of hostilities."

The grants of Parliament in the course of thirteen years had exceeded eighty millions, of which about fifty had been spent on war, and at the death of Queen Anne the interest on the national debt required an annual sum of nearly three millions to be raised in taxes on the labour and property of the people.



The next war in which England engaged, in 1718, had for its professed object the protection of her merchants against the Spaniards; it was also intended, by obliging the King of Spain to accede to the quadruple alliance, to secure to the Emperor the undisturbed possession of Sicily. Philip was indeed forced to comply with the demands of the allies; but the continued depredations upon British vessels soon became again a subject of complaint, and in 1735 Sicily was restored to Spain.

The dreadful conflicts to which the disputed claim to the Polish throne soon after gave rise, originating in the restless ambition of all the belligerent powers, led to the partition of Poland and the destruction of a national life. Charles the Sixth of Austria, by his uncontrollable love of war, reduced his once flourishing dominions to the lowest state of degradation and weakness. In 1739 England renewed hostilities with Spain about the Right of Search, but four years later the pretext was changed to the question of the Austrian succession, and in 1744 war was also declared against France.

In 1748, at the Peace of Aix la Chapelle, when a general restitution of conquests took place, nearly thirty millions had been added to the national debt; the trade of the country was encumbered with additional customs and excise; and the nation, in regard to its foreign possessions, was in exactly the same state as at the commencement of the war. "Every defeat in this war," wrote Bolingbroke, "like every triumph in the last, became a reason for continuing it." Nor had the continental powers, whose quarrels (prosecuted for seven years with the utmost animosity)

were also decided at the conferences of Aix la Chapelle, any better ground for satisfaction. France had failed in her object of dispossessing the Austrian princess of her hereditary dominions. Maria Theresa, the original cause of the war, told the British Ambassador, when he asked permission to offer his congratulations on the return of peace, that compliments of condolence would be more appropriate; while the acquisition of Silesia by the King of Prussia, who seems to have been the only gaining party, led to the outbreak in 1756 of a fresh war, which, supported by the rival ambitions of Frederick and the Empress-Queen, and subsequently connected with the disputes of the French and English respecting their territorial possessions in America, gradually drew all the states of Europe within its focus, and extended its ravages to Asia, Africa, and America.

Hoping so to gain success in the famous Seven Years' War (1756-1763), Maria Theresa relinquished the friendship of England, to whose assistance she had been largely indebted for the preservation of her crown; at the same time her alliance with France, her neglect of the barrier towns in the Netherlands, and the family compact between the two houses of Bourbon, to which the events of the war gave rise, overthrew the whole system of continental policy, to the maintenance of which the peace of Europe had been sacrificed for more than a century. But let us look at the wisdom of the part played by England. Our troubles with France in Canada had begun in 1754; but when it was proposed with English money to combine the states of the Continent against France in defence of Hanover, Pitt declared in the House

of Commons that this whole scheme of policy was “flagrantly absurd and desperate.”

“It was no other than to gather and combine the powers of the Continent into an alliance of magnitude sufficient to withstand the efforts of France and her adherents against the Elector of Hanover at the expense of Great Britain. The three last wars with France had cost Britain above 120 millions of money; the present exhibited a prospect of an effusion of treasure still more enormous.”

“Who,” he cried, “will answer for the consequences or insure us from national bankruptcy? We have suffered ourselves to be deceived by names and sounds—*The General Cause, The Balance of Power, The Liberty of Europe*—and have exhausted our wealth without any rational object.”<sup>1</sup> But Pitt no sooner found himself in power, a popular and successful War Minister, than he fell in love with the folly he had so eloquently denounced.

When George the Third came to the throne in 1760 the war still raged. The new King, who “gloried in the name of a Briton,” told Parliament that he loved peace and would prosecute the war vigorously. It was recognised that the original cause of war had been altered; for the House of Commons voted supplies, not to vindicate our Canadian claims, but “to obtain peace and secure the Protestant interest.” The war, which, as Burke put it a year or two later, had been begun in America about a piece of land, “was now to be carried on for the Protestant religion; and the Atheist King of Prussia (the Robber of Silesia) was to fight the battles of the Lord and His anointed.” At last, on the fall of Pitt,

<sup>1</sup> See Pitt’s speech in Parliament November, 1755

Lord Bute was able to conclude a peace, the most advantageous perhaps ever negotiated by Great Britain so far as the acquisition of important dependencies is concerned. But as a matter of fact Canada is the only one of the territories then acquired that can be regarded as a source of strength to the British Empire ; and the immense addition of 72 millions to the national debt, together with the oppressive weight of war taxation, led directly to the loss of a territory infinitely wealthier in soil, climate, and population than all the rest of the Empire put together. In 1763 a general treaty of peace was signed at Paris. This treaty, to quote Coxe, "placed the affairs of Germany in precisely the same situation as at the commencement of hostilities, and both parties [Prussia and Austria], after an immense waste of blood and treasure, derived from it no other benefit than that of experiencing each other's strength, and a dread of renewing the calamities of a destructive contest." England wrested Florida and Minorca from Spain, but restored them again by the treaty of 1783. The differences between France and England in the East and West Indies, and in Africa, were compromised by mutual concessions, though large additions were made to the British Empire. But the financial cost was immense. Our national debt had been augmented from 75 to 146 millions. It was, however, loudly asserted, that by the additional security which the acquisition of Canada had afforded to her colonies in North America, Great Britain would ultimately acquire ample indemnification for all her losses, in the increasing trade and prosperity of the colonies ; and that the long peace which this war was supposed

to have secured would result in a steady diminution of debt ; in short, it was confidently predicted that the war policy, in spite of the heavy losses it had involved, would prove a fine commercial speculation.<sup>1</sup>

But mark the short-sightedness of politicians ! It was in order to lessen the weight of the debt incurred in the pursuit of this war, that Great Britain made that attempt upon the liberties of her American subjects,<sup>2</sup> which, after reviving the horrors of war on both sides of the globe, and costing the lives of a hundred thousand British soldiers, terminated in the entire loss of our American colonies, and in the addition of nearly a hundred millions to the burden of the national debt. The French, whom the hope of injuring us had drawn into the American war, acquired nothing by the treaty of 1783 ; the Dutch lost some commercial privileges ; and the Spaniards simply regained what they had been deprived of in the preceding war. Such were the results of the conflicts that desolated Christendom during a whole century.

*Truelove.* When I have had time to ponder over all this, I feel sure I shall ask myself how it is that sane men can induce themselves to promote war ; above all how statesmen, who know anything of history, reconcile it with their consciences to steer nations into hostilities.

*Arbiter.* It seems to be clear—common sense tells it us as well as history—that in ninety-nine cases out of a hundred war leaves a balance of evil to

<sup>1</sup> See *Annual Register*, 1762.

<sup>2</sup> Besides the question of taxation there were difficulties as to boundaries, which also grew out of our Canadian conquests. The old colonies wanted to be enlarged.



both parties, a balance, if I may quote from our great political teacher, "of uncompensated mischief and irreparable wrong."

*Browne.* It is a puzzle indeed. I suppose the answer is, that the lessons of history make but a faint impression. They are swept away by storms of passion and prejudice. Moreover, the average history is singularly uninstructional on this point. We learn much of the pomp and little of the uselessness of conquest.

*Clarke.* Yes, if only historians would try to compare the moral, social, and economic condition of a country before and after a great war! But even so, the impressions derived from books are but a secondary experience. Only those who have seen and felt the miseries and burdens of war can taste the full blessings of peace. But always and everywhere there is growing up a generation that knows not war.

*Case.* "War's sweet to them that never tried it," as Edie Ochiltree said to Lord Glenallan.

*Arbiter.* Yes, and he might have said: "War's sweet to them that won't have to serve." To one of the large, rich, and populous empires of the modern world a little war in some remote colony or dependency is merely an unhealthy excitement. Hardly anyone counts on suffering more from it than perhaps a small addition to his taxes. In such cases we have to trust to the good sense and self-restraint of Ministers; for the popular checks upon such an insensate thing as the Somaliland expedition are deplorably weak in an empire like ours. But when a war is imminent between great powers, peace has

powerful champions. All manner of interests are endangered. The manufacturer of war material, the ambitious officer, and here and there a newspaper proprietor, may hope indeed to win fortunes or titles; but the great mass of the community is sensitive to the approaching catastrophe. Take, for example, the case of a war between England and Germany. Fire-eaters in both countries are declaring that it is the cherished ambition of England to destroy the fleet and commerce of her most dangerous rival, or that the German Government is secretly preparing to invade England and seize her colonies. Suppose that either of these awful lies were true, instead of being mere bogies, serviceable to naval contractors and spendthrift Admiralties on either side of the North Sea. Suppose some such intention were really harboured by a responsible statesman or an irresponsible Emperor, and that war came in sight. In a moment all the merchants, manufacturers, and workpeople in England and Germany who earn their profits and wages by the direct trade of over 60 million sterling that passes annually between the two countries foresee instant ruin. The effect of this upon railway traffic and shipping lines can be appreciated by the most humdrum mind. There would at once be a first-class panic on the Stock Exchange and the Berlin Bourse. The least evil that the well-to-do can expect is a twenty or thirty per cent. fall in the value of their investments and a doubling of the Income Tax; the least that the working classes can look forward to will be lower wages, less employment, and higher prices. In such a crisis, if diplomacy seems likely to fail, will not the

cry for arbitration be almost universal and well nigh irresistible? You see I am no pessimist. I feel that the task of the war-maker is infinitely more difficult than it was in the eighteenth century. Tell me, Meyer, do I overstate the feeling of the City?

*Meyer.* Indeed no: there would be a horrible panic.

*Admiral.* It ought to be as you say. But I am a pessimist. Passion might gain the day, as it did in the autumn of 1899.

*Meyer.* Ah; but then we expected gain, not loss. Rhodes told us that the Boers could not fight. We thought it would all be over in a few weeks, and that there would be no bills to be paid. Why, on the outbreak of war we actually put up the prices of Kaffirs and Consols.

*Arbiter.* I admitted, you remember, that the prospect of a small war is but a small deterrent. If only the dimensions of the Boer War could have been measured and discounted beforehand, our diplomacy would have been very different. The war would have been impossible, instead of inevitable.

*Meyer.* It is the small states more than the big ones that endanger the peace of the world. See how stubborn and warlike the Boers were. See how they clung to their abuses. They hated us as aliens; they refused to treat us as citizens. A few concessions would have satisfied the mining interest and avoided the war. That I know well; for Kruger's rule, with all its faults, was better for the industry than Milner's.

*Case.* No doubt. But you City men are apt to think that mining interests are human rights. I studied

the whole case at the time, and I convinced myself that we had no just grounds for interference in the affairs of the Transvaal. Time and patience would have solved the problem. Milner and Chamberlain gave no time and exercised no patience. They could think of nothing but a quick triumph either of diplomacy or arms.

*Arbiter.* Well, my friends, we must talk this out another time. There goes the dinner bell, and we all need refreshment.

## THE SECOND DAY. TUESDAY.

### MODERN WARFARE.

#### I.

*Clarke.* After yesterday's discussion we are all, I think, inclined, Mr. Arbiter, to agree with you that the progress of intelligence and civilisation has begun to check, and is likely at no distant period to put an end to, war between nations. But one must remember what is urged on the other side. In the first place, we are reminded that this view was widely held by the French philosophers of the eighteenth century, who, heralds of the reign of Reason, promulgated the gospel of man's perfectibility. If their doctrine was sublime, their confidence was premature. As if to mock their anticipations, the French Revolution plunged Europe into a series of wars on a larger and costlier scale than any of which mankind has had experience. I remember reading an article in an old number of the *Edinburgh Review* (in the year, I think, of the battle of Leipzig), where the writer, a level-headed and apparently humane man, argued it to be overwhelmingly improbable that war, "by far the most prolific and extensive pest of the human race," as he called it, could ever be abolished. In the first place, he



said, it is manifest that, instead of becoming less frequent or destructive, European wars have been incomparably more constant and sanguinary since Europe became more enlightened and humane; and he argued further that war was more popular and more obstinately waged in the polished and refined than in rude and barbarous countries. For example, he said, "the brutish Laplanders, the bigoted and profligate Italians, have had long intervals of repose; but France and England are now pretty regularly at war for about fourscore years out of every century."

*Case.* A paradoxical pessimist.

*Arbiter.* Yes, one of those clever writers who are apt to make sweeping generalisations from a very limited view and experience. The answer to his first argument is, that the eighteenth century, taken as a whole, was a great improvement upon its predecessors, and the nineteenth (which began so badly) has shown a still greater advance upon the eighteenth. Then again, if any reliance can be placed upon the historians of the Middle Ages, their battles were as a rule far more sanguinary than those of our own day. I mean the percentage of killed and wounded to the number of combatants was higher in mediaeval than in modern battles.

*Browne.* That is certainly true.

*Seymour.* It is inevitable, as hand-to-hand fighting disappears, and the fighting lines are separated by greater and greater distances, that slaughter as well as atrocity should diminish. Though of course mines, especially at sea, may put enormous numbers of men to death by a single explosion.

*Clarke.* A third argument of the Edinburgh Reviewer was that the lovers of war and professional warriors are by no means the most ferocious or the stupidest of the human species. Human nature, he thought, is so constituted that war gives us real enjoyment in spite of the pains and miseries it entails. It exercises the talents, calls forth energies, holds men up conspicuously as objects of public admiration, gratifies their pride and love of power, dispels *ennui*, and sets the game of existence on a higher stake. If every man were a free man, and a gentleman, like Sir John Moore, or Nelson, or Wellington, would there not be just as much war as if half the world were serfs and slaves, and the majority of the remainder cads? Is not the gentleman, as we know him, an excessively pugnacious animal?

*Arbiter.* There again the argument, though plausible at first sight, is surely untenable. Pugnacity no more involves war than it involves duelling. War is an unhealthy and depraved outlet for the passionate side of our nature. Obviously the pleasures of war can be obtained in games and pursuits that do not involve the innocent in wholesale misery.

*Admiral.* What the Edinburgh Reviewer might have urged, I believe, with truth is that, once a state of war has arisen, a civilised man rapidly becomes a brute, ruthless, rapacious, and cruel. Patriotic and religious feeling may animate men to fight. But when once fighting has begun all virtues vanish away. The hired foreigner fights as well as the native conscript or the volunteer. If patriotism and nationalism were the principal forces, why should civil wars be the fiercest and bloodiest!

*Browne.* There is a wonderful passage in the recollections of Tocqueville that exactly illustrates your opinion. It is about the fighting in the streets of Paris during the Revolution of '48. May I read it?

“As I went along the Quai de la Ferraille,” he says, “I met some National Guards, from my neighbourhood, carrying on litters several of their comrades and two of their officers wounded. I observed, in talking with them, with what terrible rapidity, even in so civilised a century as our own, the most peaceful minds enter into the spirit of civil war, and how quick they are, in these unhappy times, to acquire a taste for violence, and a contempt for human life. The men with whom I was talking were peaceful sober artisans, whose gentle and somewhat sluggish natures were even further removed from cruelty than from heroism. Yet they dreamt of nothing but massacre and destruction. They complained that they were not allowed to use bombs, or to sap or mine the streets held by the insurgents, and they were determined to shew no more quarter; already that morning I had almost seen a poor devil shot before my eyes on the boulevards, who had been arrested without arms in his hands, but whose mouth and hands were blackened by a substance which they supposed to be, and no doubt was, powder. I did all I could to calm these rabid sheep. I promised them that we should take terrible measures the next day. Lamoricière, in fact, had told me that morning that he had sent for shells to hurl behind the barricades; and I knew that a regiment of sappers was expected from Douai, to pierce the walls and blow up the besieged houses with petards. I added that they must not shoot any of their prisoners, but that they should kill then and there anyone who made as though to defend himself. I left my men a little more contented, and, continuing my road, I could not help examining myself and feeling surprised at the nature of the arguments I had used, and the promptness with which, in two days, I had become familiarised with ideas of inexorable destruction that were naturally so foreign to my character.”

*Seymour.* A very true picture. Where there is anything like hand-to-hand fighting it will always be

difficult, if not impossible, for any commander to induce his men to give quarter. It is not the progress of humanity so much as the progress of art that diminishes butchery. Undoubtedly the perfection of fire-arms—their increasing range and precision—has done more to mitigate this sort of savagery than anything else. Mechanics hinder massacre and medicine lessens suffering. If armies were deprived of gunpowder and ambulances humanity would be staggered.

*Admiral.* But supposing it to be true, as the Reviewer appears to have argued, that high-minded and cultivated soldiers delight in war—a supposition which it would be rather difficult to prove—it does not at all follow that their enjoyment is equal in quality or intensity to that of their barbarous predecessors. I much question whether the majority of our officers and soldiers enjoyed the Boer war. Of course as professional men they like to see active service; there is the scientific interest, and there is the excitement of action; but outside the newspaper office and the music-hall I doubt if the old passion for blood can be said to exist.

*Seymour.* Certainly it is no longer the fashion to boast, as the old Jewish and Homeric warriors did, of the number of men we have slain.

*Browne.* In a rude age military prowess was almost the only road to glory and power, and even wealth. The Chronicles of the Cid show clearly how far we have travelled since the eleventh century. At that time Spain was one of the most refined countries in Europe. But the Cid, who was the perfect pattern of that century, is presented as one who found joy

only in fighting. His least murderous sport was the tournament, and with few exceptions the pages of the Chronicle are a catalogue of battles, ambuscades, assaults, plunder of armed and unarmed, which would be dreary but for the pride of the narrator and the gusto with which he recites these glorious exploits of a national hero. May I give you three incidents taken from three or four consecutive pages in Southey's admirable version? The first displays the taste of the ladies, the second the spirit of the Church, and the third shows you the Cid at his best, after an ambuscade had turned the enemy to flight.

1. "Alvar Salvadores went on hacking and hewing all before him, for he thought the ladies were looking on."

2. "At cock-crow they all assembled together in the Church of St. Pedro, and the Bishop Don Hieronymo sung mass, and they were shriven and assoyled, and howselled. Great was the absolution which the Bishop gave them: He who shall die, said he, fighting face forward, I will take his sins, and God shall have his soul. Then said he, *A boon, Cid Don Rodrigo; I have sung mass to you this morning; let me have the giving the first wounds in this battle!* and the Cid granted him this boon in the name of God." Afterwards we are told how "the Bishop Don Hieronymo, that perfect one with the shaven crown, had his fill in that battle, fighting with both hands; no one could tell how many he slew."

3. "And the Cid Ruy Diaz did so well, and made such mortality among the Moors, that the blood ran from his wrist to his elbow." When the battle was over he went in to his wife and his daughters with



his bloodstained sword, "and the ladies knelt down before him, and kissed his hand and wished him a long life."

*Clarke.* I have read bits of the poem, but never went through it carefully. I remember I often wondered how he kept himself going, and how he disposed of his spoils.

*Browne.* Ah, that is explained in an earlier book. Let me see. Here it is. The Cid lay near Burgos under the King's displeasure. He was in distress for want of money. Shall I read you the passage? It is a little long, yet entertaining enough.

*We all begged him to let us hear it. Browne then read as follows:*

"'Martin Antolinez,' said the Cid to his nephew, 'you are a bold Lancier; if I live I will double you your pay. You see I have nothing with me, and yet must provide for my companions. I will take two chests and fill them with sand, and do you go in secret to Rachel and Vidas, and tell them to come hither privately; for I cannot take my treasures with me because of their weight, and will pledge them in their hands. Let them come for the chests at night, that no man may see them. God knows that I do this thing more of necessity than of wilfulness; but by God's good help I shall redeem all.' Now Rachel and Vidas were rich Jews, from whom the Cid used to receive money for his spoils. And Martin Antolinez went in quest of them, and he passed through Burgos, and entered into the castle; and when he saw them he said: 'Ah, Rachel and Vidas, my dear friends; now let me speak with you in secret.' And they three went apart. And he said to them, 'Give me your hands that you will not discover me neither to Moor nor Christian! I will make you rich men for ever! The Campeador went for the tribute, and he took great wealth, and some of it he has kept for himself. He has two chests full of gold; ye know that the King is in anger against him, and he cannot carry these away with him without their being seen. He will leave them, therefore, in your hands, and

you shall lend him money upon them, swearing with great oaths, and upon your faith, that ye will not open them till a year be past.' Rachel and Vidas took counsel together, and answered, 'We well knew he got something when he entered the land of the Moors ; he who has treasures does not sleep without suspicion ; we will take the chests, and place them where they shall not be seen. But tell us with what will the Cid be contented, and what gain will he give us for the year ?' Martin Antolinez answered like a prudent man, 'My Cid requires what is reasonable ; he will ask but little to leave his treasures in safety. Men come to him from all parts. He must have six hundred marks.' And the Jews said, 'We will advance so much.' 'Well, then,' said Martin Antolinez, 'ye see that the night is far spent ; the Cid is in haste, give us the marks.' 'This is not the way of business,' said they ; 'we must take first and then give.' 'Ye say well,' replied the Burgalese ; 'come then to the Campeador, and we will help you to bring away the chests, so that neither Moors nor Christians may see us.' So they went to horse and rode out together, and they did not cross the bridge, but rode through the water that no man might see them, and they came to the tent of the Cid.

"Meantime the Cid had taken two chests, which were covered with leather of red and gold, and the nails which fastened down the leather were well gilt ; they were ribbed with bands of iron, and each fastened with three locks ; they were heavy, and he filled them with sand. And when Rachel and Vidas entered his tent with Martin Antolinez they kissed his hand ; and the Cid smiled and said to them, 'Ye see that I am going out of the land, because of the King's displeasure, but I shall leave something with ye.' And they made answer, 'Martin Antolinez has covenanted with us, that we shall give you six hundred marks upon these chests, and keep them a full year, swearing not to open them till that time be expired, else shall we be perjured.' 'Take the chests,' said Martin Antolinez ; 'I will go with you and bring back the marks, for my Cid must move before cock-crow.' So they took the chests, and though they were both strong men they could not raise them from the ground ; and they were full glad of the bargain which they had made. And Rachel went to the Cid and kissed his hand, and said, 'Now, Campeador, you are going from Castille, among strange nations, and your gain

will be great, even as your fortune is. I kiss your hand, Cid, and have a gift for you, a red skin ; it is Moorish and honourable.' And the Cid said, 'It pleases me ; give it me if ye have brought it ; if not, reckon it upon the chests.' And they departed with the chests, and Martin Antolinez and his people helped them, and went with them. And when they had placed the chests in safety, they spread a carpet in the middle of the hall, and laid a sheet upon it, and they threw down upon it three hundred marks of silver. Don Martin counted them, and took them without weighing. The other three hundred they paid in gold. Don Martin had five squires with him, and he loaded them all with the money. And when this was done he said to them, 'Now Don Rachel and Vidas you have got the chests, and I who got them for you well deserve a pair of hose.' And the Jews said to each other, 'Let us give him a good gift for this which he has done' ; and they said to him, 'We will give you enough for hose and for a rich doublet and a good cloak ; you shall have thirty marks.' Don Martin thanked them and took the marks, and bidding them both farewell, he departed right joyfully."

*Meyer.* The best story of a war loan I ever heard.

*Arbiter* (smiling). An allegory, my friend. Money is sometimes still lent on a sandy security, slightly salted.

*Meyer.* Ha ! Ha ! If you want to know about that ask the directors of the Chartered Company.

*I said it reminded me of the device by which Lord Milner and the Rand magnates got a thirty-five million loan from the British Government by a promise of thirty millions. The promises were like the two chests filled with sand, and when opened a year or two afterwards their real value was discovered.*

## II.

*Arbiter.* Now, Captain Seymour, I think we may call upon you to enlighten us about the conditions

of modern warfare and the changes that have been brought about in the military art and practice.

*Seymour.* I have done my best in the last few months to collect material and throw my ideas together; but I'm afraid you will find what I put before you desultory, inconclusive and disappointing. But the Admiral will come to my assistance later on, and at any rate I hope to provoke plenty of criticism and discussion. There is one circumstance which particularly entitles me to your indulgence; for I am a member of the profession that all, or nearly all, of you desire to abolish, and I am discoursing upon an art which, if not an anachronism, is at best a necessary abomination. My situation, as well as my subject, puts me in mind of Fabrizio Colonna, the veteran warrior, who, returning from the wars in Lombardy, stayed to repose himself a few days in Florence and was invited by a worthy and hospitable citizen, Cosimo Rucellai, to discourse upon the Art of War in one of the most delightful gardens of the town. Machiavelli, the author of the discourse, gives Fabrizio the advantage not only of age and martial reputation, but of a youthful and appreciative audience full of military ardour. I, alas, have neither years or laurels. At best I am the student of a black art, and my only consolation is that it is not as black as it was. Indeed one of my first duties is to paint its progress from black to grey, and from this point of view I can hardly do better than read aloud the little speech with which Fabrizio introduced his disquisitions:

“War being an occupation by which a man cannot support himself with honour at all times, ought not to be followed as a business by any but Princes or Governors of Commonwealths; and if they are

wise men they will not suffer any of their Subjects or Citizens to make that their only Profession. Indeed no good man ever did : for surely he cannot be called a good man who exercises an employment that obliges him to be rapacious, fraudulent, and cruel at all times, in order to support himself ; as all those must be of course (of what rank soever they are) who make a trade of war ; because it will not maintain them in time of peace ; upon which account they are under a necessity either of endeavouring to prevent a peace, or of taking all means to make such provision for themselves in time of war, that they may not want sustenance when it is over. But neither of these courses is consistent with common honesty ; for whoever resolves to heap up as much in time of war as will support him for ever after, must be guilty of robbery, murder, and many other acts of violence upon his friends as well as upon his enemies : and in endeavouring to prevent a peace, Commanders must have recourse to many pitiful tricks and artifices to deceive those that employ them. But if they fail in their designs, and find they cannot prevent a peace, then as soon as their pay is stopped, and they can live no longer in the licentious manner they used to do, they set up for soldiers of fortune, and having got a parcel of their disbanded men together, make no scruple of plundering a whole country without mercy or distinction. You must have heard that when the late wars were over in Italy and the country full of disbanded soldiers, they formed themselves into several bands, and went about plundering some towns and laying others under contribution. You must likewise have read how the Carthaginian Soldiers (after the first war was ended in which they had been engaged with the Romans) assembled together under the banners of Matho and Spendius (two officers whom they had chosen to head the mutiny) and made a more dangerous war upon their own country, than that which had been just concluded. In the days of our ancestors, Francisco Sforza, in order to support himself in splendour and magnificence in time of peace, not only betrayed the Milanese who had employed him in their service, but deprived them of their liberties, and made himself their sovereign. All the rest of our Italian soldiers, who made war their only occupation, acted the same part in those times ; and if they did not succeed in their villanies like Sforza, they were not less blameable ; for if we consider their conduct, we shall find their designs were altogether as iniquitous as his. Sforza, the father of Francisco, obliged Jane, Queen of Naples, to throw herself into the arms of the King of



Arragon, by suddenly quitting her service and leaving her disarmed, as it were, in the midst of her enemies, with an intention either to deprive her of her kingdom, or at least to extort a great sum of money from her. Braccio da Montone endeavoured by the same arts to have made himself King of Naples; and if he had not been routed and killed at Aquila, he would certainly have accomplished his design. Such evils, and others of the same nature, are owing to men who make war their only occupation; according to the proverb, *War makes thieves, Peace hangs them*; for those that know not how to get their bread any other way, when they are disbanded, finding nobody that has occasion for their service, and disdaining the thoughts of living in poverty and obscurity, are forced to have recourse to such ways of supporting themselves as generally bring them to the gallows."

This illustration is more eloquent, I venture to say, of the improvements that have taken place in my profession than many pages which might be written dilating upon the advantages of a regular army properly paid and disciplined over a system which made every soldier long for war as an unemployed workman longs for employment.

This most important and salutary change was accompanied by the diminution of private wars, brigandage and piracy. In the middle ages any knight might gather a company to plunder a village, a town, or a caravan. These glorious exploits gradually came to be regarded as high-way robberies. At sea more licence was allowed than on land; the privateer, it is true, was solemnly proscribed by the Declaration of Paris in 1856; but even now the navy claims the right, long abandoned by armies, of destroying an enemy's commerce. In an essay on military punishment and rewards, published so late as 1796, I find the author, a military judge in Canada, bitterly contrasting "the hopes and expectations"

of officers and men in the two services. He first points out that the miseries of hunger, heat and cold, the certainty of blows, the uncertainty of rewards and improbability of plunder are the lot of the soldier. "Towns taken are never now given up to plunder," he complains, "as was formerly the practice among the ancients, by which the conquerors were not only enriched, but it often served to aggrandise their posterity; but at present, countries exposed to pillage redeem themselves by contribution, no part of which comes into the hands of the officers or men."<sup>1</sup>

But the hopes and expectations of the Navy would, he declares, fill a moderate sized volume:—"Suffice it barely to observe on what is notoriously known, that one fortunate capture will enrich a captain of a man of war and his crew for ever." Another century has passed and prize money has disappeared as completely from the Navy as it then had from the Army. So that the prospect of private booty is no longer a motive for entering either service. In Great Britain we attract more men into the two services by the prospect of regular pay than ever we could have hoped to do by the prospect of drawing a prize in the lottery of licensed theft.

*Clarke.* The odd thing is that in abolishing wholesale theft we have retained wholesale murder.

*Seymour.* I shall not treat that interruption seriously. Murder, my dear sir, as you know very well, is a technical term of law. But I was speaking of the attractions that are left. Regular pay is a new one for the men. Social consideration attracts officers;

<sup>1</sup> See *Treatise on Courts Martial*, S. Payne Adye, London, 1796.

and I have heard of many impecunious gentlemen who joined the army solely with a view to providing for themselves by a good match. But Germany is almost the only modern country in which militarism gives the tone to society.

*Clarke.* How long will its manufacturing and commercial classes take it lying down?

*Meyer.* They do not like it. They will not pay the piper much longer. But there is the *Kaiser Idee*. The personal influence of the Kaiser counts for a good deal. The fear of France and Russia counts for a good deal more. But the financial burden is not cheerfully borne. Look at the growth of the Social Democrats; and look at the timidity of the Government. They dare not to raise the taxes. For the last many years there has been a large annual deficit, which has to be provided for by additions to the debt.

*Seymour [continues].* Altogether it is hard to exaggerate the immense change which has been brought about by the new laws of warfare, applied I believe in the discipline of all modern armies. No doubt practice lags woefully behind law, custom, and convention. In the late expedition to China, for instance, horrible excesses—murder, theft, arson, rape,—were committed by the European troops with impunity. Indeed the German Emperor haranguing his troops before embarkation exhorted them to make no prisoners! These atrocities were justified as acts of reprisal for the atrocities of the Boxers.

*Case.* As if the law of retaliation permitted *A* to do to *B* what *C* had done to *D*, because *B* happened to be under the same government as *C*.

*Seymour.* To show you how very strict the rule is I will quote from our own Army Act. By Section 6 every person subject to military law who breaks into any house or other place in search of plunder shall, on conviction by Court Martial, if he commits such offence on active service, be liable to suffer death. And the same penalty may be inflicted on a soldier who "commits any offence against the property or person of any inhabitant of, or resident in, any country in which he is serving."

To mark the contrast let me remind you of a chapter in Grotius on "the right of acquiring things captured in war." With two authorities on Grotius in the room I speak subject to correction; but I think I am right in saying that Grotius' favourite method of arriving at an improved rule in each department of his subject was to examine customs, practices, and authorities, especially in ancient times, and then to select the best as most in accordance with natural law, religion, utility, and reason.

*Clarke.* Your statement tallies precisely with my recollection.

*Case.* And if he could not find a humane precedent he was sometimes tempted to invent one, or rather I should say that for want of a library of reference he would draw on his memory, so that his quotations are sometimes coloured by his sympathies. I mean they are more to the purpose than they should have been.

*Seymour.* That only makes my point stronger; for Grotius admitted that the custom of pillaging the enemy had always prevailed in all nations. He explains that even in the old Republican days of Rome, when the spoil taken was supposed to enrich

the public treasury, the common soldier was allowed to keep a certain amount for himself. In the European armies of Grotius' time the amount a soldier might take for himself varied :

“The French call this *spoil* or *pillage*, and comprehend in it clothing, and gold and silver within ten crowns. In some places a certain fraction of the booty is given to the soldiers, as in Spain. Sometimes a fifth, sometimes a third, in other cases, a half goes to the king, and a seventh (sometimes a tenth) to the general. The rest is kept by the captors, except the ships of war, which go altogether to the king. In some cases account is taken in dividing the booty, of trouble, danger, and expense ; as among the Italians, the third part of a captured ship goes to the captain of the victorious ship, a third part to the merchants to whom the cargo belonged, and a third part to the sailors. In naval warfare those who fight at their own danger and expense do not always take the whole booty, but are obliged to give a part to the public, or to those who derive their right from the public. So with the Spaniards, if ships are sent out at private expense, part of every prize goes to the king, part to the High Admiral. By the custom of France, the Admiral has a tenth ; and so with the Hollanders ; but here a fifth part of the booty is taken by the State. By land, the common use everywhere now is, that in pillage of towns, and in battles, every one keeps what he takes ; but in expeditions for booty, the captures are common to those in the company, and are divided according to their rank.”<sup>1</sup>

I venture to think that the improvement of our own rules upon these is due largely to the enormous increase of national wealth, which has enabled every nation to support a regular army, and to maintain and pay it regularly. This alone has made it possible for generals to prevent plunder and theft.

Now I have proved, I hope, that we have witnessed, since the days of Grotius, a great improvement

<sup>1</sup> Grotius, *De Jure Belli ac Pacis*, book iii. chap. vi., §§ 7, 8.



in at least one portion of military law—the right of individual plunder has ceased. But there is another and less satisfactory subject that must be faced. It would be cowardly to read a paper like this without saying something about military stratagems, and the deceits that are practised in warfare. It is a distasteful topic. And when you come to cross-question me about it, please remember that I have no opinion. Indeed I have not been able to make up my mind further than this, that I do not see how, while war exists, you can abolish spies any more than soldiers, or how you can avoid trying to deceive any more than trying to kill your enemies. Certainly, so far as can be seen, we have not been able to moralise this branch of military art during the last two centuries. I will take two Commanders-in-Chief of very unequal genius, but both, I think, rather above than below their contemporaries in their treatment of wounded, prisoners, non-combatants, etc., and in the standard of military discipline which they set up—Frederick the Great and Lord Wolseley. As they have both written on the subject of stratagems for the instruction of their armies, their writings afford a convenient means of measuring the movements of opinion.

Frederick the Great of Prussia, who had distinguished himself in his youth by answering Machiavelli<sup>1</sup> chapter by chapter, with many high-spirited reproaches—the book was published in 1740 at the Hague with a laudatory preface by Voltaire—was probably on the

<sup>1</sup> Carlyle calls it “that celebrated *Anti-Macchiavel*, ever praiseworthy refutation of Macchiavel’s Prince . . . now become like the book itself [!] inane to all readers.” *Frederick the Great*, book x. c. 6.

whole at least as humane as the other commanders of his day. An accident, however, robbed him of some of the virtues associated in the popular mind with the military hero or Happy Warrior. On one misty morning of February 1760, at the opening of the fifth campaign of the Seven Years' War, Czetteritz, one of Frederick's generals, was surprised, and in his luggage was found a manuscript copy of the military instructions with which Frederick provided all his generals. *Militärische Instructzion für die Generale* it was called. It was carried to Daun's headquarters and speedily printed, to discredit Frederick in the eyes of the world. Carlyle gives no hint of its contents save that it is admired, he says, not a little by some studious soldiers.<sup>1</sup>

Perhaps it will be best to give Article XII. on spies as it stands. I have used the best English translation (that of 1762) and revised it carefully, sentence by sentence, with the German text. The title runs "*Of Spies, their use on every occasion, and the manner of obtaining constant intelligence of the enemy.*"

If it were possible always to penetrate the intentions of the enemy, it would be no difficult matter to maintain a superiority, even with an inferior army. Every general endeavours to obtain this advantage, but very few succeed.

There are several sorts of spies:

1. Low people who make shift to live by this craft.
2. Double spies.
3. Spies of consequence.
4. Those whom one forces into this hapless employment.

The first and lowest class, *i.e.* townsfolk, peasants, priests, etc., whom one sends into the enemy's camp, are only useful to

<sup>1</sup> Cp. Carlyle's *Frederick*, xix. 9, and *Sir C. Napier's Life*, by his brother, vol. iii. 365 *et al.*

inform you of the enemy's position. Their reports are generally so confused and unintelligible that they serve only to increase your ignorance and uncertainty.

The report of a deserter is generally no better. . . .

A double spy is of service in hoaxing the enemy with false information. At Schmiedeburg the Austrians had an Italian spy. We made him believe that on the approach of the enemy we should retire on Breslau, and by this assurance Prince Charles of Lorraine was deceived. Prince Eugene for a long time paid a salary to the postmaster at Versailles. The pitiful rogue opened the letters and orders sent by the Court to the Generals in the field, and sent copies of them to Prince Eugene, who generally got the copies before the French commanders received the originals. Luxemburg corrupted one of King William's secretaries, and so obtained constant information of his movements. But the King discovered it and made all the profit he could from a thing of such unusual delicacy. He compelled the traitor to write to Luxemburg and inform him that next day the allies would make a grand forage. In consequence the French were surprised at Steinkirk and would have been utterly overthrown had they not fought with quite uncommon resolution. It is very difficult to employ such spies against the Austrians. Not so much that Austrians are more difficult to corrupt than other people as that their army is enveloped by a crowd of light troopers who search and rifle everyone they meet. This has made me think of winning over some of their Hussar officers to enable a correspondence to be carried on. For the light troops on either side after their skirmishes are in the habit of arranging a sort of armistice [Still-stand] and on such occasions letters might be delivered and received.

When you want to convey false intelligence to the enemy, or want to get news of him, you may use the following device:—send a trusty soldier (as a deserter) out of your camp to the enemy to report all that you would have them believe; or he may secretly distribute letters among the troops to encourage desertion.

If you are in hostile territory and you cannot find any other means of getting information about the movements of the enemy, there is yet another expedient which you can adopt, although it is very hard and cruel; you select a well-to-do burgher who

has a home, and estate, a wife and children ; take another man who understands the language of the country, and disguise him as a servant. Force the burgher to take the [Knecht] serving man with him as valet or coachman, and to make his way into the enemy's army on the pretext of having been hardly treated by us. At the same time threaten him sternly that if he fails to bring back his man after they have stayed long enough in the enemy's camp you will both murder his wife and children and plunder and set fire to his house.<sup>1</sup> I was compelled to adopt this expedient when we were encamped at ——— ; and it had good success. To all this I would add that in paying spies you should be generous and even prodigal. A man who so risks his neck in your service deserves to be well rewarded.”<sup>2</sup>

A curious parallel to Frederick's instructions may be found in the *Tactica*, a Greek work on the art of war, written by the Byzantine Emperor Leo about 900 A.D. He takes a professional pride in explaining how *parlementaires* are to be sent to the enemy merely to spy out his strength and numbers. He advises a defeated general to cover his retreat by sending an emissary to the hostile commander to feign a surrender. He recommends the old trick of addressing treasonable letters to officers of the enemy and contriving that they shall fall into the hands of the general.<sup>3</sup>

<sup>1</sup>“Man bedrohet ihn zugleich scharf, dass, wenn er seinen Mann nachdem sich derselbe zur genüge in dem feindlichen Lager aufgehalten, nicht wieder zuruck bringen wurde, seine Frau und Kinder niedergehauen, sein Haus aber geplündert und angesteckt wurden solle.”

<sup>2</sup>There is a good introduction to the English translation (by an English officer) 1762—no hint however that any part of the book is not an admirable mirror for gallant officers and generals. The first article on Prussian troops comprises a number of queer dodges to prevent men from deserting.

<sup>3</sup>See Oman's *Art of War*, chap. iii.

In his well-known *Soldier's Pocket Book* Lord Wolseley explains how spies should be sent in the guise of peasants into an enemies' lines, and how they may then send information written in lemon juice on the leaves of a New Testament. He is one of the few military writers who refers to the moral objections that have been raised to these and similar proceedings. "As a nation," he says, "we are bred up to feel it a disgrace even to succeed by falsehood; the word spy conveys something as repulsive as slave; we will keep hammering along with the conviction that honesty is the best policy, and that truth always wins in the long run. These pretty little sentiments do well for a child's pocket book; but a man who acts upon them had better sheathe his sword for ever."<sup>1</sup>

There is, I suppose, a moral philosophy—though it is often more like casuistry—underlying the customary deceptions of war. Certainly the partitions are very thin that divide what is thought lawful from what is thought unlawful in this branch of military ethics. Of the legal authorities the most useful, I think, for our purpose is Vattel, the author who after Grotius has perhaps done most to curtail licence and unnecessary cruelty in war. He discusses rather elaborately what I may call the *rationale* of deceiving the enemy. Some kinds of deceit are permissible, and even laudable, some detestable, and utterly prohibited. And the criterion seems to be whether perfidy is involved, though in some cases the criterion fails and Vattel seems to appeal to men's consciences in order to justify a higher standard or more humane custom. I propose to follow

<sup>1</sup> *Soldier's Pocket Book*, p. 81.



him in one or two illustrations of the subject, though I shall endeavour to be less prolix. First he introduces a celebrated question on which authors had been much divided—whether in war any means may justifiably be employed to take away an enemy's life? It is well known that the cross-bow and the musket when first invented were regarded as unfair and dishonourable weapons. But the delicate consciences which prohibited particular weapons as unsportsmanlike were generally ready enough to condone assassination, or even to poison a dangerous enemy. Upon this some had maintained that where there is a right to take away life, as when one is at war, the manner is indifferent. Vattel rejects the proposition with indignation; but in order to brand assassination as odious and unlawful he distinguishes it from "surprises," which he says in war "are doubtless very allowable."

For instance, "should a resolute soldier in the night time steal into the enemy's camp, get to the general's tent, and stab him, in this there is nothing contrary to the natural laws of war, nothing but what in a just and necessary war is commendable." Vattel indeed admires such bold strokes, declaring that they have only been censured by writers anxious to please the great, who would of course like to leave the dangerous parts of war to common soldiers and subalterns. Vattel himself strongly protests against the practice of punishing with cruel tortures and death those who make bold and open attempts of this kind. He admits, however, that the generous warriors of his own age discountenanced the practice, and would never sanction it except on rare occasions when the safety of their army required the most desperate attempts.

Assassination proper, however, is a treacherous murder, where the king or general is attacked by a person in disguise, or by poison. Such an act, says Vattel, is unlawful, because it is pernicious to human society. It is no use to defend it by calling it a stroke on behalf of right and justice, "since in war all pretend to have right on their side." The fanatics who murdered William the Silent and Henry the Great thought they were performing acts of supreme piety and religion.

A treacherous poisoning has about it something more odious than ordinary assassination, and already in the middle of the eighteenth century, only two hundred years after Machiavelli, it may be said to have been condemned by the general consent of all civilised peoples: "the sovereign practising such execrable means should be accounted an enemy of mankind, and the common safety calls on all nations to unite against him and join their forces to punish him."

*Clarke.* That is the most potent medicine of civilisation, the fear of the odium men will incur if they violate its laws or offend its sense of right.

*Seymour.* Yes, and I think Vattel's objection to the use of poisoned arms is equally sound. Their use may be excused, he says, with a little more plausibility, since they involve neither treachery nor clandestine practice. "But their use is no less interdicted by the law of nature, which forbids us to multiply the evils of war. To get the better of an enemy he must be struck; but if once he is disabled what necessity is there that he should die of his wounds? Besides, if you poison your arms, the enemy will follow your example."

To my mind the last reason is the best, and sufficiently accounts for the generally received maxim which prohibits this practice. The poisoning of wells and springs was even more generally condemned, because it might involve the death of non-combatants. But though poison may not be used it was, and is, perfectly allowable to divert or cut off the water. This was done by the Boers at Bloemfontein, and led directly to a vast amount of disease, suffering, and death, both among our own troops and among the non-combatants in the town. The object of war is to disable the enemy by means that are not regarded by civilised opinion as dishonourable. To make him hungry or thirsty, and so to spread exhaustion or disease is just as legitimate as to kill or wound him. Far more armies have been defeated, far more fortresses captured, by famine and disease than by gunpowder or steel. Perhaps the most sensible criterion of what we are justified in doing against our enemies is never to forget that they are men; then as Vattel says, "our courage will preserve itself from every stain and cruelty, and the lustre of victory will not be tarnished by inhuman and brutal actions." One may add that, besides the honour and good fame that wait upon fairness and clemency, they are also attended by immediate and real advantages. The enemy is more likely to surrender if he has confidence that he will not be brutally treated, or perfidiously massacred; an advantageous peace is more likely to be secured; and if it should happen that a piece of the enemy's territory has to be occupied and administered that difficult task will be infinitely less difficult if the conquered entertain no just feelings

of resentment against the victorious army. In the eighteenth century, when a distinct improvement in military customs was taking place, owing no doubt to the precepts of Grotius, and to the success of the armies of the great Gustavus, who was the first to put the new code into practice, a certain amount of false chivalry and politeness came into vogue. It was usual, for instance, not to fire on the quarters of the king or commander-in-chief. By the ancients the soldier who killed a king or general was highly commended. In Vattel's time such an achievement would hardly have been disclosed, much less rewarded. "Sovereigns tacitly agree on the safety of their persons," wrote Vattel, but he pointed out, as I have mentioned, that there is neither law or reason in such an usage; there is no more obligation to avoid killing the person who is perhaps responsible for the war than those whom he has hired or compelled to fight for him.

*Clarke.* I am delighted to hear you say that. I have often wished that every minister who is responsible for the declaration of war and every editor and orator who has incited it might be placed in the front rank, and might have an opportunity of experiencing those perils, pains and hardships which he, with so much show of patriotism, imposes upon others.

*Seymour (laughing).* Well, at any rate you will be glad to know that since Vattel and the French Revolution there has been no tendency to spare distinguished persons at the front. In fact, in modern wars, the mortality in actual fighting has been much higher among the officers than among the private soldiers. A shell is no respecter of persons.

So far I have dealt with disputes that have been

decided, but modern warfare still presents many cases for the casuists. How far must good faith be kept between two nations at war? Obviously the declaration of war puts an end to most of the relations and most reciprocal duties. But it is equally certain that all ties are not broken and that all duties are not abrogated.

*Ego.* The enormous development of international commerce and of finance during the last century has sharpened and multiplied what may be called the paradoxes of warfare. If, for example, a war were to take place between England and the United States there can be little doubt that Englishmen would continue to eat American corn and that the mills of Lancashire would continue to spin and weave the cotton of the Southern States. Well-to-do people would still receive their dividends in American Railways, and American millionaires would continue to receive their quarterly interest on Consols.

*Seymour.* The old authors used to make a distinction between conduct required in just and unjust wars; but there is no reason for the distinction though there is a practical one of some importance for discriminating between regular and irregular troops. Generally speaking, I think the right answer to the question as to what obligations remain between enemies in the field is that all duties not necessarily suspended by war subsist. In one sense the obligation to keep faith is more binding than ever. What, for instance, would become of prisoners of war, and towns that surrendered if the enemy's word could not be relied upon? How could any bounds be set to licentiousness and savage reprisals? If faith were



banished how could any war be ended save by the total destruction of one side? Clearly it is expedient that faith should be kept between enemies, but good faith consists not only in observing promises and respecting conventions but also, as Vattel says, in not deceiving where there is an obligation to speak or act the truth. Here, however, the Swiss lawyer has to make some subtle suggestions in order to define "the lawful use of truth or duplicity towards an enemy." Truth must be told where we have expressly or impliedly engaged to speak it and also whenever we are naturally bound to do so by the laws of humanity. But "when by leading an enemy into an error, either by a discourse where we are not obliged to speak the truth, or by some feint, we can procure ourselves an advantage in the war which it would be lawful to seek by open force this doubtless is legal. I say further, as humanity obliges us in the pursuit of our rights to prefer the mildest means, then if by stratagem (which may be defined as a feint void of perfidy), we can make ourselves masters of a strong place, surprise the enemy, and overcome him, it is much better, it is really more laudable to succeed in this way than by a bloody siege or battle. But the saving of blood is not of such weight as to warrant perfidy;" for, as he has shown, the consequences of perfidy are infinitely dreadful. A stratagem, then, or lawful deceit of the enemy consists in artifices devoid of perfidy and consistent with the customs and conventions of war.<sup>1</sup>

*Case.* You have opened, without closing, a celebrated question on which natural lawyers used to

<sup>1</sup> See Vattel, pp. 329 *sqq.* and 342 *sqq.* ed. of 1793.

be at variance; that is, whether in war *all* means are lawful to take an enemy's life. Wolfius, for example, decided so late as the year 1724 that we are naturally allowed to make use of poisoned weapons in wars.<sup>1</sup>

*Seymour.* You surprise me. I thought that since Grotius philosophers and even lawyers had aimed at mitigating the ferocity of war. Wolfius seems to have written up to his name.

*Case.* Well; but don't you think after all there may be humanity as well as logic in his attitude? Would you have any objection to poisoned bullets if they could be successfully manufactured, I mean such a bullet as would cause death, however slight the wound it might inflict?

*Seymour.* Your question revolts me. Certainly, I should object. Why; if such barbarities were customary in ordinary wars I doubt if it would be possible for any civilised nation to get men to enlist.

*Case.* A true soldier's reason; but is not that the very object which a natural lawyer like Wolfius might have had in view?

*Arbiter.* Do you take the same objection to explosive bullets?

*Seymour.* No, not precisely. There seems to be a difference in kind between poisoning a man and causing as ugly a wound as possible. Shells are admissible in pom-poms but not in rifles. That seems to me to be rather too subtle a distinction. I don't see myself that there is any good ground for saying that a shell under 14 ounces shall be unlawful and a shell of greater weight lawful.

<sup>1</sup> In his *Jus Gentium*, § 878.

*Arbiter.* Then about the expanding bullet ?

*Seymour.* Well, the object of the Mark IV. ammunition and of the Dum-dum bullet that was manufactured in Calcutta was the same as that of an explosive bullet—to make sure that it did not hit without hurting. No doubt our military representatives were actuated by the best motives, but I'm afraid that they did not shine at the Hague Conference. They declared that the object of the Mark IV. and of the Dum-dum was to place men *hors de combat* "without causing needless suffering." I confess that I find it difficult to distinguish between needful and needless suffering. A small ordinary bullet, if it passes through a fleshy part, may make very little difference to the soldier's fighting capacity; a larger one causes more suffering and makes him less effective; a Dum-dum, where the core of the bullet is not completely covered by the jacket, would give still more pain and inconvenience; an explosive bullet striking in the same place might cause the man's death. You see it is a question of degree. In truth, the object of shooting in war is not to place a man *hors de combat* temporarily, but permanently, *i.e.* to maim or kill.

*Case.* Then where did our representatives blunder ?

*Seymour.* Well, in the first place, they incurred a lot of unnecessary odium; for when it came to the point (in the Boer War) they shrank from using the vast stores of Mark IV. ammunition. Secondly, they exposed Britain to the charge of want of chivalry. For all that they were asked to do was to agree not to use expansive bullets against the other civilised powers joining in the convention, which bound themselves to observe a similar restriction.

*Arbiter.* It was certainly a shortsighted policy, and I think also an inhuman one. It is possible that science may make war impossible; but the desire of nations to make it less cruel is a sign of grace, and should be welcomed, not repelled. Who ever heard of war being shortened by barbarity? Certainly, for one war that has been so shortened, twenty have been prolonged.

*Clarke.* What restrictions are now imposed by international law in relation to arms and explosives?

*Seymour.* Practically none. By the declaration of St. Petersburg (1868) all the Powers except Spain renounced the use of explosive projectiles weighing less than 14 ounces. At the Hague Conference in 1899 all the Powers except Great Britain agreed that in any war they might undertake against one another their troops should not launch explosives or projectiles from balloons. This agreement was only made for a term of five years, but was extended at the beginning of the present war by mutual consent of Russia and Japan. Further, all the Powers, except Great Britain, the United States, and Portugal, agreed to abstain from the use of expanding bullets, and all except Great Britain and the United States agreed not to use projectiles, "the object of which is the diffusion of asphyxiating or deleterious gases."

*Admiral.* Of course, the advantages of these three declarations are not extended to Great Britain; so that in a war with any civilised power the British soldier is liable to be wounded by expanding bullets and to be poisoned by gases?

*Seymour.* That would be so; and it is difficult to see what advantages the War Office and the Admiralty have gained by their attitude upon these matters at

the Hague Conference. In the war with the Boers we used lyddite (with disappointing results), but abstained from the use of expanding bullets.

## III.

From the subjects of discipline, plunder and deceit, I pass to the battlefield and the campaign.

Mr. Oman's vivid essay on the Art of War in the middle ages leads us through all the changes and revolutions which came over military tactics between the days of the Roman legion and the Wars of the Roses. Yet how small were those changes and revolutions! The clumsy cannon of the fifteenth century was certainly a more dangerous and a far more terrifying weapon than the catapult of the fifth. But to judge by the esteem which military writers of the fifteenth and sixteenth centuries entertained for Roman discipline and tactics, there seems to be reason for thinking that Cæsar's army might have rendered a good account of any equal force which Spain, or France, or Germany could have organised fifteen hundred years later. In all that period of incessant warfare and incessantly changing tactics the long bow of the English archer was the most destructive novelty introduced into battles; and in the age of chivalry both the long bow and the cross bow were condemned by accomplished warriors as unfair contrivances, contrary to Christian usage. The true dividing line between ancient and modern warfare is not the invention of gunpowder, but the invention of small arms. From the first use of the musket and its subsequent improvement we trace a gradual but really



revolutionary change in military tactics and military habits and military fashions. The typical soldier is no longer the Roman legionary who, with close-fitting shield and short sword, cut his way through the thickest phalanx and stood firm before the fiercest onset of barbarians. Still less is he the knight careering about the field in a suit of mail. Size and muscular strength are no longer qualifications. A little wiry man who can march long distances, live on little, and endure fatigue is the ideal soldier of to-day. The modern warrior crouches in safe cover, peering through a telescope and firing from time to time at a conjectural enemy perhaps a mile or more away. War is still a terrible business, but it has lost most of its pageantry and excitement. The grand object of the modern soldier, as of the Periclean woman, is to escape notice. Red coats, waving plumes, gold brocades are no longer worn. Hand-to-hand fighting is almost extinct, and therefore I will go so far as to say that there are greater and more essential changes if we compare our battlefields with those of only a century ago than you would find if you compared the battlefields of Napoleon with the battlefields of Julius Cæsar.

For recollect it is during the last fifty years that the old muzzle loading rifles have given way first to breech-loaders and then to magazine rifles. Fifty years ago the bayonet was a most formidable arm, and cavalry charges were still a feature of every battle. Now the bayonet is going out. The sword is a useless ornament. The lance is being abandoned. The only possibility of using cold steel, or even of getting within revolver range, is by surprise.

There are many ways in which the rifle of to-day excels the rifles of twenty or thirty years ago. In the first place the calibre has been so reduced that the soldier can carry many times more cartridges. For instance, with a five mil. rifle, a soldier can carry between two or three hundred cartridges as easily as the Russian soldier carried eighty or ninety cartridges in 1877. Further, the magazine rifles can be fired very much more rapidly than the old breech-loaders. Some pretend that sixty shots can be fired per minute by a soldier who is actually taking aim. In the early nineties, when Bloch was writing his famous book,<sup>1</sup> twelve times as many shots could be fired in a given time from the rifle then in use as could be fired from the rifle in use thirty years before. Secondly, the range of the modern weapon is much longer. For example, neither the French *chassepot* nor the Prussian *needle gun* used in the Franco-German war could penetrate a human skull at 1760 yards; bullets from modern low-calibre rifles will penetrate the harder bones of an ox at over 3000 yards.

Again, the use of smokeless powder in modern battles greatly facilitates aim, though the use of it by your enemy makes it difficult to ascertain his exact position. With the aid of field glasses troops can shoot pretty accurately on a clear day at objects that twenty years ago would have been considered far out of range. Further mechanical improvements have been made to assist the aim, by showing the direction of the barrel. It was calculated by a German

<sup>1</sup> The work took him eight years. It appeared in Russian in 1898 in German (in 6 vols.) in the following year. There is no complete English translation.

expert (Professor Gebler) some years ago that, if the German and French armies in the war of 1870 instead of being armed with needle guns and chassepots had carried the improved rifles of the early nineties, their fire would have been four to five times more effective. So that the losses in the war would (theoretically)<sup>1</sup> have been quadrupled.

The developments of artillery in recent times have been equally stupendous. In the year 1891, Professor Langlois calculated that with an equal number of charges artillery was five times as effective in destruction as in 1870. This only allowed for accuracy of aim, for range, size and ammunition. But as the field gun of 1891 could be fired twice at least while the gun of 1870 was being fired once the power of artillery fire was really ten times greater than twenty years before. Since 1891 another series of inventions has been made, especially in the quick-firing guns. It would be difficult to say whether the superiority of modern artillery is due mainly to rapidity of discharge or to the greater weight and destructiveness of the explosives with which it is charged. As regards destructiveness alone it was proved a few years ago by experiment that, whereas a shell in 1870 would burst into twenty or thirty fragments, a modern shell of the same weight would burst into 240 fragments.

Another illustration may be taken to show the diabolical character of modern artillery fire. The experts declare that one round of shrapnel will do as much destruction over the same area as 2000

<sup>1</sup> By "theoretically" I mean upon the assumption, in itself quite impossible and extravagant, that the distances between the combatants had not been altered.

rifle bullets fired by soldiers attacking in loose formation. With the aid of balloons, watch towers, and all the other complicated apparatus of modern war, large guns can be trained to throw shells with remarkable precision for distances of three or four miles.

What are the general consequences of these extraordinary developments? In the first place, the area of battle is enormously extended, the combatants are driven further and further apart, troops advancing to the attack are bound to adopt a looser and looser formation; and unless the ground is much broken anything like a bayonet charge upon an enemy well armed and intrenched has become impossible. In fact a bayonet charge is a rare and almost accidental occurrence. The Boers had no bayonets, and soon a bayonet will be as obsolete as a suit of mail. The defence has become stronger and stronger in comparison to the attack, and the wonderful power of illuminating the night by means of searchlights has made attacks upon properly provided forts almost as hazardous by night as in open day. Starvation, or immense superiority of artillery, or such a command of numbers as make a commander willing to sacrifice multitudes in an attack, are the only means left of reducing a well planned fortress provided with sufficient ammunition, suitable artillery, and a garrison of resolute men.

Thanks to the system of conscription, progress of wealth, facility of credit, and the miraculous improvements in transport by land and sea, the size of armies is much less restricted than was the case even a hundred years ago. I believe that the Japanese, a comparatively poor nation, have placed in Manchuria a larger

army than ever Napoleon assembled on the frontiers of France. The war office of Lord Lansdowne and Mr. Brodrick, comparatively as bad as that of the Duke of Newcastle and Lord Panmure, was able to place in South Africa with less difficulty an army ten times as large as it had placed in the Crimea less than half a century before. More men mean more food for powder, and the casualty lists in Manchuria show how deceptive were the arguments founded on the comparatively trifling losses suffered in the field during the Boer War. It is true that the increasing distance of the conflicting armies more than compensates for the increasing deadliness of their weapons; but their augmented size more than compensates as a rule for the smaller percentages.<sup>1</sup> Allowing for time and numbers of course the bloodshed even in Manchuria could not be compared with that of battles between armies equally brave and disciplined a hundred years ago. It sounds a paradox, yet it is perfectly true that far greater execution would have been done had the same armies fought for the same length of time with the far less deadly weapons of Napoleonic warfare. Again, though the sufferings of both sides are enormous, they are certainly not comparable to those inflicted and suffered by Napoleon's army in Russia.

There are many points of similarity and contrast between the two campaigns; but as we have

<sup>1</sup> More men, it seems, were killed and wounded in the two great battles of Liao Yang, Manchuria, than in any two great battles of the Napoleonic or Franco-German wars; and this has been due, first, to the greater number of men employed, and second, to the greater length of time over which the fighting was prolonged.



been reading vivid accounts of the Manchurian war every day in the newspapers, I need not labour the comparison. It will be enough to remind you of some of the incidents of the Russian Expedition as they are related by Labaume; whose narrative supplies the best illustration of the improvements which invention, discipline, public opinion, and international conventions have brought about in the conduct of warfare by civilised powers.

Eugène Labaume was an engineer and staff-officer in the Fourth Corps of Napoleon's army. He wrote down day by day what passed under his own observation from the 24th of June, 1812, when Napoleon, with an army of over 400,000 men, crossed the Niemen, to the morning of 13th December, when, in Labaume's words, "scarcely 20,000 repassed it, of whom at least two-thirds had not seen the Kremlin." A few incidents, taken almost word for word from the intrepid soldier's diary, will convey an impression of the atrocities which could be committed more than a century and a half after the age of Grotius. As Napoleon's army advanced the Russians retreated, carrying off the inhabitants with their cattle, burning the villages, and destroying corn and forage. At Smolensk they gave battle, and, after an obstinate engagement, fired and evacuated the town. The French, we are told, entered Smolensk on the following day, marching over ruins and blackened corpses. The streets and squares were strewn with wounded Russian soldiers. All the inhabitants who had escaped the slaughter and the conflagration were turned out of their homes and took refuge in the cathedral. A fortnight later at the Borodino there fell eighty

thousand men. The victorious French marching over the field after the battle saw a surface of about nine square miles strewn with killed and wounded, "with the wreck of arms, lances, helmets, and cuirasses, and with balls as numerous as hailstones after a violent storm." As the army marched by, thousands of wounded Russians "besought us to put an end to their torments." Riding into Rouza on September 9th, Labaume saw a mob of soldiers pillaging the houses, regardless of the tears and cries of the women and children. This licentious conduct he owns was excusable in some who were famished, but with many hunger was a mere pretext for plundering everything, and even stripping the women and children of their clothes. By this time rumour had reported the ferocity of Napoleon's army far in advance.

All the villages between Rouza and Moscow were deserted; the inhabitants, setting fire to their houses and to the crops they had just gathered in, hid themselves in the recesses of the forest.

Thus the misconduct of the grand army was already aggravating the difficulties and discomforts of the advance, and preparing for the unexampled miseries and privations of the most calamitous retreat in the annals of military history. On September 15th Labaume's corps entered Moscow. A thick column of smoke was rising from the centre of the deserted city. The fire started in shops and warehouses, and, fanned by a high wind, spread so rapidly that it defied all the efforts of the French generals, who soon received orders to quit the city. Then ensued a scene of extraordinary horror. "The hospital containing more than 12,000 wounded began to burn; almost all

these wretched victims perished." Labaume declares that it is impossible to depict the confusion and tumult which followed Napoleon's decision to evacuate Moscow. "The whole of this immense city was given up to plunder. Soldiers, sutlers, galley-slaves, and prostitutes ran through the streets and ransacked the deserted palaces." All the brutish passions of the soldiery were let loose. No woman was safe, no place however sacred was secure from their rapacity.

These brutal orgies, he adds, so soon and so horribly avenged, were "the consequences of a savage war, in which sixteen united nations, differing in language and manners, thought themselves free to commit every crime, persuaded that one nation alone would be held responsible." So Moscow was sacked as it burned. At night, while the conflagration was spreading, Labaume heard the shrieks of those who were being murdered or undone, and the howlings of dogs which, chained to the gates of the houses according to Moscow custom, could not escape the flames. It was not till late in October, after the defeat at Tarontina, that what remained of Moscow was wholly evacuated. Then the army of invaders began to experience the full horrors of retreat through a twice-devastated country. Appalling enough is Labaume's account of the early stages of the retreat, before the very cold weather set in. "The first division, on leaving their night quarters, generally consigned them to the flames, and also the towns and villages they passed through. The few houses that escaped the first division were burnt by the second." Labaume, whose corps brought up the rear, saw no houses, only ruins in which were entombed

soldiers, peasants, children wantonly murdered, and young girls slain on the spot where they had been violated. In the first 150 miles of march from Moscow, the Abbey of Kolotskoi was the only undemolished building.

But at first the weather was fine and the march easy. Of a sudden, on the 6th of November, as they neared Smolensk, the sun disappeared, the wind howled, the snow began to fall, and the main road could no more be distinguished. Ill clothed, ill shod, and ill fed, the weaker soldiers began to sink. No aid could be given. "We saw them only by the heaps of snow that covered them like little mounds in a graveyard. Flocks of ravens croaked ominously over our heads, and troops of dogs, which had followed us from Moscow and lived solely on the corpses, howled about us as if eager to hasten the moment when we should become their prey. Meanwhile, they contended with the soldiers for the dead horses that were left on the roadside. Every day that passed increased the horrors of the march. Many were drowned or cut off by the Cossacks at the passage of the Vop. After describing this in his diary (Nov. 8th) Labaume adds :

"The last night had been dreadful. To form an idea of its rigours, conceive an army encamped on the snow, in the depth of a severe winter, pursued by an enemy to whom it could oppose neither artillery nor cavalry. The soldiers, without shoes and almost destitute of clothing, were enfeebled by hunger and fatigue. Seated on their knapsacks, they slept on their knees. From this benumbing posture they only rose to broil a few slices of horse flesh, or to melt some pieces of ice. They were often without wood, and to keep up a fire demolished the houses in which the generals were lodged."

The line of march was strewn with the spoils of Moscow, which could not be transported for want of animals. More than thirty thousand horses perished in a few days. At intervals they saw groups of soldiers frozen to death round the green branches and twigs which they had vainly tried to kindle. The moral effect upon the survivors was not, as the pulpit would have us believe, 'purifying': "These horrors, so far from exciting our sensibility, only hardened our hearts. Having no longer the power of being cruel to our enemies, we were cruel to one another. The best friends were estranged; whoever experienced the least sickness was certain of never seeing his country again, unless he had good horses and faithful servants. To save the plunder of Moscow was an object of more moment than the saving of a comrade. We heard around us the groans of the dying and the plaintive voices of those who were abandoned; but all were deaf to their cries, and, if any one approached his perishing comrades, it was for the purpose of stripping them and searching whether they had any food left."

The only recorded instance of compassion was at Liadoui in Lithuania, where three barns filled with wounded, having been set on fire, some soldiers who were passing by, at the urgent entreaties of the wretches, put an end to their sufferings. I cannot omit Labaume's description of the bivouacs before the awful passage of the Beresina (Nov. 27th):

"At these bivouacs we saw men fighting for a morsel of bread. If anyone else, numbed with cold, drew near a fire, the soldiers to whom it belonged drove him away; and if, mad with thirst, you begged a drop of water from one who had a full bowl, you



were sure to be refused with execrations. Often men of education, who had been friends, quarrelled over a handful of straw or a bit of dead horse. The most dreadful feature of this war was that it demoralised our characters, and gave birth to new vices; men who had been generous, humane, and upright, became selfish, greedy, cruel, and unjust."

At the passage of the Beresina all imaginable horrors of rout and defeat were crowded together. One of the bridges broke down; at the other, while the Russians made a furious attack in the rearguard, there was a frightful contest between cavalry and infantry. For three days a miserable crowd pressed round the bridge. The women and children left their carriages, and begged in vain for pity and succour. "The strong threw into the water the weak who impeded their progress, and trampled under foot the sick and wounded."

Hundreds were crushed under the wheels of the artillery, thousands and thousands threw themselves into the river and perished. Girard's division having crossed, set fire to the bridge to prevent the Russians from pursuing, and left the remnant of the army to choose between the Cossacks and the Beresina. For a fortnight longer this awful flight continued. Here are a few passages taken from the last pages of the diary :

Dec. 5. "Brave officers, once the terror of our enemies and the conquerors of two-thirds of Europe, now covered with rags and icicles, dragged themselves slowly along unaided and unpitied by the soldiers they had commanded. Their plight was the more wretched because whoever had not the strength to march was abandoned, and whoever was abandoned was a dead man within an hour. Every bivouac presented next day the appearance of a field of battle. Whenever a soldier sank from fatigue his next neighbour

rushed on him and stripped him of his clothes, even before he was dead. Every moment we heard them begging the aid of some charitable hand : ‘My comrades,’ one would cry in heart-rending tones, ‘help me to rise ; deign to lend me a hand to pursue my march.’ All passed by without even regarding him. ‘Ah : I conjure you not to abandon me to the enemy : in the name of humanity grant me the trifling assistance I ask : help me to rise.’ Instead of being moved by a prayer so touching, they considered him as already dead, and began to strip him ; we then heard his cries, ‘Help ! Help ! they murder me. Why do you trample me under foot ? You even take away my clothes !’ If some officer urged by generous feelings, did not arrive in time to prevent it, many in the like situation would have been assassinated by their own comrades.”

Dec. 8. “The road was covered with creatures, no longer men, whom the enemy disdained to take prisoners. Every day furnished scenes too painful to relate. Some had lost their hearing, others their speech, and many, by excessive cold and hunger, were reduced to such a state of stupid phrenzy, that they roasted the dead bodies for food, and even gnawed their own hands and arms. Some who were too weak to lift a piece of wood, or to roll a stone towards the fire, sat down upon their dead companions, and with an unmoved countenance gazed upon the burning logs. When they were consumed, these livid spectres, unable to get up, fell by the side of those on whom they had been seated. Many, distraught, plunged their bare feet into the fire ; or with a convulsive laugh, threw themselves into the flames, and uttering shocking cries, perished in the most horrible contortions.”

Dec. 10. “Every day’s march presented us with a repetition of the mournful scenes of which I have given a faint sketch. Our hearts, completely hardened by these loathsome scenes, lost all sensibility. We were reduced to a state of brutality that left us no feeling but the instinct of self-preservation.”

Dec. 12. “Exhausted by one of the longest and most fatiguing marches we reached Kowno, where the wrecks of each corps were reunited. They encamped as usual in the streets ; and as we knew that our deplorable situation did not admit of our maintaining any position, the magazines, which were well stored, were given up to pillage. We had an immediate and abundant supply of clothing, flour and rum. Our quarters were filled with broken

casks, and the liquor that was spilt formed a pool in the public square. The soldiers, long deprived of stimulants, drank to excess, and more than twelve hundred of them, in a state of intoxication, lay down to sleep in the houses or in the snow and were frozen to death.”<sup>1</sup>

Such is the narrative of a soldier who saw and suffered. It is not the story of a Quaker or a philanthropist, but of one who had chosen the profession of arms, and as an officer in the grand army, was at least as sensitive to the glory of war as to the ruin, desolation, and misery which it involves.

*Ego.* How did the Russian army fare in the pursuit?

*Seymour.* The best authority I can find states that the Russian army under Kutusow, which, when the pursuit began, had numbered 120,000 effective men, could not array 35,000 on the frontier of the Duchy of Warsaw; and when the campaign closed with the crossing of the Vistula and the occupation of Kalish, only 18,000 men were left in the ranks.

Next to retreats, I suppose that sieges have given rise to the most terrible scenes of carnage and atrocity, though I much doubt whether it is really worse to sack a town than to lay waste a country side—whether, for instance, the devastation of the Palatinate by order of Louis XIV. was any less execrable than Tilly’s sack of Magdeburg. But I propose to go back only to the Napoleonic wars. From 1794 to 1815 Europe ran with blood. On the whole the

<sup>1</sup> The foregoing extracts are rendered from “*Relation Circonstanciée, de la Campagne en Russie en 1812.*” Par Eugène Labaume, Chef d’Escadron, Chevalier de la Légion d’Honneur, etc. 4me edition. Paris, Février, 1815.”

verdict of history will be that the standard of military conduct and morality was considerably higher than in the previous centuries. Nevertheless, even in the Spanish Peninsula, where the chivalry of the French and English troops (towards one another) often excited admiration and wonder, there is a long list of horrors that would be inconceivable, and I think impossible now in a European war. I will simply give in order three extracts from the pen of the most brilliant and trustworthy of our military historians. They relate to three incidents that occurred in a space of eighteen months. In the first Napier describes the sack of Ciudad Rodrigo on January 19th, 1812 :

“Now plunging into the town from all quarters, and throwing off all discipline, the troops committed frightful excesses ; houses were soon in flames, the soldiers menaced their officers and shot each other, intoxication increased the tumult to absolute madness, and a fire being wilfully lighted in the middle of the great magazine the town would have been blown to atoms, but for the energetic coolness of some officers and a few soldiers who still preserved their senses. To excuse these excesses it was said, ‘the soldiers were not to be controlled.’ Colonel M’Leod of the 43rd, a young man of a noble and energetic spirit, proved the contrary. He placed guards at the breach and constrained his men to keep their ranks for a long time ; but, as no organised efforts were made by higher authorities, and the example was not followed, the regiment dissolved by degrees in the general disorder.”

In April came the still more terrible storm of Badajos. Here we are told “the desire for glory on the British part was dashed with a hatred for the citizens from an old grudge.” Also recent toil and hardship with much spilling of blood had infuriated the soldiery : for the very things which

make nobler minds averse to cruelty harden the vulgar spirit. "Numbers also, like Caesar's centurion who would not forget the plunder of Avaricum, were heated with the recollection of Rodrigo and thirsted for spoil." When at last the place was stormed the soldiers proceeded to sack it; here is Napier's account of the scene that followed:

"Now commenced that wild and desperate wickedness which tarnished the lustre of the soldier's heroism. All indeed were not alike; hundreds risked, and many lost, their lives in striving to stop violence; but madness generally prevailed, and the worst men being leaders all the dreadful passions of human nature were displayed. Shameless rapacity, brutal intemperance, savage lust, cruelty and murder, shrieks and piteous lamentations, groans, shouts, imprecations, and hissing of fires bursting from the houses, the crashing of doors and windows and the reports of muskets used in violence resounded for two days and nights in the streets of Badajos! On the third, when the city was sacked, when the soldiers were exhausted by their own excesses, the tumult rather subsided than was quelled; the wounded men were then looked to, the dead disposed of!

Five thousand men and officers fell during the siege, including seven hundred Portuguese; three thousand five hundred were stricken in the assault, sixty officers and more than seven hundred men were slain on the spot. . . .

Let it be remembered that this frightful carnage took place in a space of less than a hundred yards square: that the slain died, not all suddenly nor by one manner of death: that some perished by steel, some by shot, some by water; that some were crushed and mangled by heavy weights, some trampled upon, some dashed to atoms by the fiery explosions; that for hours this destruction was endured without shrinking, and that the town was won at last: these things considered, it must be admitted that a British army bears with it an awful power."

Altogether, the assault, capture, and sack of Badajos present a dramatic picture of heroic courage and devilish ferocity.



We now pass on to the third incident—the sack of San Sebastian on the thirty-first of August in the following year (1813):

“This storm [a thunderstorm] seemed to be a signal from hell for the perpetration of villany which would have shamed the most ferocious barbarians of antiquity. At Ciudad Rodrigo intoxication and plunder had been the principal objects; at Badajos lust and murder were joined to rapine and drunkenness; at San Sebastian the direst, the most revolting cruelty was added to the catalogue of crimes; one atrocity, of which a girl of seventeen was the victim, staggers the mind by its enormous, incredible, indescribable barbarity. Some order was at first maintained, but the resolution to throw off discipline was quickly made manifest. A British staff-officer was pursued with a volley of small arms and escaped with difficulty from men who mistook him for a provost-marshal; a Portuguese adjutant, striving to prevent some ruffianism, was put to death in the market-place, not with sudden violence, but deliberately. Many officers exerted themselves to preserve order, many men were well-conducted, yet the rapine and violence commenced by villains soon spread, the camp-followers crowded into the place, and the disorder continued until fire, following the steps of the plunderer, put an end to his ferocity by destroying the whole town.”

Modern sieges seldom end in an assault. If they do there is the same risk of brutality. When, for instance, the Japanese took Port Arthur by assault from China they were reported to have butchered most of the defenders. But the poor Chinamen never seem to be treated as civilised opponents, or even as human beings. They were slaughtered like vermin by the Russians at Blagatoveschenk, and thousands are said to have been driven into the river and drowned. Is it because they rate their own lives so low? The siege of Port Arthur is already the longest siege of modern times. It has lasted six months, twice as long as the siege of Ladysmith and a month longer

than the siege of Plevna, though Stoessel's garrison is not quite so strong as Osman's was in 1877. But Osman never had more than forty-five thousand men; yet behind earthworks, which he threw up in a position previously unfortified, he defied for five months the whole force of the Muscovite Empire. He began to entrench himself there in July after learning of the fall of Nicopolis. On the last day of that month he was attacked by a strong Russian army under Schahoffskoy and Krudener, but drove them back with a loss of more than a third of their men. In September the Russians attacked him in still greater force. "For five long days and nights," wrote Archibald Forbes, "they rained on him a storm of missiles from their great siege guns. On the sixth day they assailed his position furiously with eighty thousand men. Osman was ready for them; he slew them in thousands, and tens of thousands, and sent them reeling back on their supports." They then set to work to starve him out and succeeded after three months, during which time other operations had to be suspended.

Osman, it will be remembered, was badly off for artillery. Yet all the attempts to take his extemporised positions failed. Hunger alone reduced Plevna. The wider the zone of fire, the further the combatants are separated, the greater the distance between the line of investment and the invested forts, the more difficult it becomes to carry a place by assault.<sup>1</sup> Clearly the advantages of defence over

<sup>1</sup> Evidently if he had had a little more obstinacy and perhaps a few thousand more men, Stoessel could have held Port Arthur as long as his food and ammunition lasted.

attacks increase with every increase in the range of rifles and cannon : the American Civil War of 1861-4, the Franco-German War of 1870-71, the Russo-Turkish War of 1877-8, the various defensive actions fought by the Boers against vastly superior forces in 1900 and 1901, and finally the crowning examples of the battle of Liao Yang and the siege of Port Arthur in the present Russo-Japanese war, prove conclusively what immense sacrifices of men and what vast expenditure of ammunition are necessary in order to obtain the victory over an enemy well armed and entrenched.

From this point of view nothing can be more instructive, or I may add more strongly corroborative of the principal conclusions and predictions of Bloch's profound and laborious volumes, than this long-drawn battle, in Manchuria. After more than a week's fighting, the Japanese have driven the Russian army from its position, yet in spite of the wretched condition of the roads they have been unable to pursue or to make any significant capture of men or guns or munitions of war.<sup>1</sup> Nor, so far as I can ascertain, were the troops often less than five hundred yards apart. For most of the time it was an artillery duel. Telegrams are sent describing bayonet charges, but these things are only seen by correspondents at a distance of two or three miles. Wounds inflicted by the bayonet cannot have been more than 1 per cent., I doubt if they were 1 per cent., of the total casualties in the battle. What a change since the war of 1866, when about 4 or 5 per cent. of

<sup>1</sup> In the second battle the Russians attacked and were driven back after several days of fighting.

the German casualties were inflicted by cold steel. In the war of 1870-1 cold steel accounted for only 1 per cent., while artillery fire caused 5 per cent. and rifle fire 94 per cent. of the German losses.

After sieges let us consider what may befall an army that does nothing at all. The example I take will also serve to illustrate the consequences of military inefficiency. The Walcheren expedition consisted of thirty-four thousand infantry and two thousand cavalry, sixteen companies of artillery, thirty-nine sail of the line, thirty-six frigates and several hundred smaller vessels. The expedition included *one* person acquainted with the navigation of the Scheldt, but had with it *no* plans of Antwerp, Lillo, or Liefenshoek. The person selected to command this army (a greater force of English soldiers than ever Marlborough led) was the Earl of Chatham—who had seen no service and was only known as a civilian by his misconduct of the Admiralty “from which on account of the universal complaints against him he had been removed by his own brother.” The moment chosen for this expedition in aid of the Austrian Monarchy was July 28th, 1809, three weeks after the battle of Wagram! The climate of Zealand was well known, and the diseases of the English army employed there in 1747 had been described by Surgeon-General Sir John Pringle in a well-known book which could be had anywhere for a few shillings. Pringle there explained that epidemics usually appeared in Zealand at the end of July and ended with the commencement of the frosts. But in 1810 no medical man was consulted by the Government which planned, or by the General who conducted, the expedition, nor

were any preventive measures taken against the marsh fevers. Sir Lucas Pepys, President of the Medical Board, knew that in Walcheren the marsh fever and other epidemics prevailed from July to September and were worse than in any other part of the world except Batavia. From the evidence he gave afterwards it appears that he was not consulted until six weeks after the departure of the expedition. Had he known of its destination he would have recommended extraordinary precautions. When the expedition was about to start, Keate, the Surgeon-General, wrote imploring the War Office to provide two more hospital ships. Lord Castlereagh answered by his secretary that one had already been provided, and refused the request. So the fleet, provided with one pilot, sailed with one hospital ship. On the 23rd September nine thousand and forty-six of the rank and file were returned as sick.

On the 28th of July, as I have said, the expedition sailed: it had failed by the 29th of August. "All progress of the army is at an end," wrote the Earl of Chatham on that day; and a fortnight later he returned to London. On September 9th, Walcheren was a beleaguered island. The French were in complete command of the mainland and of the canals. If Walcheren is to be retained, wrote Sir Eyre Coote, its inhabitants, thirty-seven thousand in number, must be fed from England. After vainly pointing out the critical situation and the futility of remaining, Coote resigned and was succeeded by General Donne, who wrote (October the 27th), that the island was in an almost defenceless state; he had only four thousand effectives and needed twenty-



three thousand. But the order to evacuate was not given till November 13th, or carried into execution till December 30th. The Walcheren inquiry showed that from the time when it was known that nothing more could be done until the date of the evacuation twelve thousand men sickened and two thousand died. I should mention that in the middle of September Canning who, as Foreign Secretary, shared the responsibility for the expedition,<sup>1</sup> resigned office. Castlereagh followed suit, and on the 22nd the Ex-Secretary for War fought and wounded the Ex-Secretary for Foreign Affairs on Wimbledon Common. From a political point of view perhaps the most remarkable thing is that the Earl of Chatham became Master General of the Ordnance with a seat in the Cabinet a few months later, and only resigned after the Walcheren inquiry had made public the details of his shameful but unblushing incompetence.

*Ego.* How does the incompetence of the War Office in 1809 compare with its performances in the Crimean War and again in the Boer War?

*Seymour.* I should say, allowing for the difference in conditions and for the comparatively short duration of the expedition, the War Office wasted more lives and less money on the first than on the two later occasions. Of course the early history of the Concentration Camps—until Mr. Chamberlain interfered and took over the management—is a detestable page in our annals. But you must remember the sickness and mortality of the Boer women and children

<sup>1</sup>Canning is even said to have agreed to it in the hope of ruining his colleague Castlereagh, the Secretary for War.

were the result of a policy suddenly adopted by the generals in the field in the hope of bringing the war to an end by wholesale devastation and farm burning. The Walcheren Expedition, as I have shown, was planned by the Secretary of War, and he had not the slightest excuse for the negligence which failed to provide against epidemics. Lord Castlereagh first shut his eyes to probabilities, and then, when the probable actually happened, he shut his ears to appeals. At the end of August 1809 the Deputy-Inspector of the Walcheren hospitals reported to Coote: "There is an absolute necessity of sending express for medical aid, and of applying that a fast sailing vessel should be appointed to bring out the assistance so urgently required." What was the response? On the 25th—there being then 9000 men sick—there were sent out one staff surgeon and five hospital mates, but no wine or bark.

The number of sick and wounded sent from Walcheren back to England in ninety-seven days was 12,863. And in the first six months of 1810, from the troops that had served there, 36,500 patients (including relapses) were received into our hospitals! I should add that the total loss of lives from the expedition was put at 8000, and of money at between two and three millions. In our recent war in South Africa also, though there was plenty of fighting, far more of our men died of disease than by bullet or shell. The Japanese, if their statistics can be trusted, seem to have managed much better. Without doubt, generals are quite as likely to lose a campaign by neglecting the health of their armies as by errors of strategy.

While I was preparing this paper I got a letter

from the president of the conference telling me not to forget how very slight is the impression produced by casualty lists or by general descriptions of carnage. It would seem that our imaginations and sympathies are more easily and deeply stirred by the individual case than by an account of wholesale slaughter. This must be my excuse, after describing some of the horrors of retreat, siege, and disease, for reproducing as concisely as I can an incident described with graphic prolixity by Archibald Forbes in his *Memoirs of War and Peace*.<sup>1</sup> After quoting some curiosities of modern chivalry, Forbes contrasts the practice of the Franco-German war, when, especially during the siege of Paris, "there was a miserably great amount of simple coldblooded murder perpetrated on the foreposts"; for murder, he thinks, is the only word for the killing of a lone sentry by a pot shot at long range. "It is like shooting a partridge sitting." At this game the French had the advantage because of the longer range of their chassepots, which would carry a thousand yards. The scene of our military drama is laid in the region about Villemomble and the Chateau de Launay.

"Please you, Herr Major, Corporal Zimmermann has returned to the picket with Sly Patrol No. 2. He reports that in the gap of the hedge in front of the large field over against the park wall of the Schloss Launay, No. 1,420 soldier Claus Spreckels, of Captain Hammerstein's company, was killed by a shot fired from the little house by the gate. That makes the seventh man killed this week by the pig-dog who lurks there and never misses a chance!"

<sup>1</sup> Cassell & Co., 1895, p. 98 *sqq.* The work of a journalist struck off with rapidity for the hasty eye of the newspaper reader always requires and sometimes merits abridgment.

So spoke Under Officer Schulz to the commander of his battalion which was doing duty on the East side of Paris, opposite Mont Avron. While he made his report a shell exploded on the roof of the chateau, once a fine suburban mansion, now the shot and shell riddled head-quarters of a Saxon regiment. The evening before the Field Post had brought them Christmas packets, love gifts from their homes, and Forbes had seen Spreckels tear open the box of cigars his mother had sent him from Kamenz. And now with cigars sticking from the buttons in his tunic, the body of Claus Spreckels lay on the doorstep of the chateau, and the blood oozed from the bullet wound in his head. His grave was being dug. The 'pig dog' Frenchman who had fired the fatal shot was a marksman who had established himself in front of the French outpost, in a gardener's cottage near the gate of the Chateau de Launay. He had spent some days there taking deliberate aim, as occasion offered, at every German soldier who exposed himself within the range of his chassepot. He never gave the hostile marksmen a chance, for though he fired through a window, he kept at the back of the room, well out of the line of fire. He had already killed seven. The officers took counsel that night, and at last it was decided that a young baron who was reckoned the best shot in Saxon Switzerland should go out to stalk the Frenchman. Next day he ambushed himself in a shrubbery 300 yards from the cottage. Four times that day the Frenchman fired but never showed himself. At nightfall the lad, half-frozen, trudged back to the mess, to hear that the Frenchman had added two more, one sentry killed, another wounded, to his list of victims. The Saxon listened imperturbably to the taunts of his comrades, and took ambush on the second day as before. Again the Frenchman fired several times but never came into view. Just before dusk he fired a last shot, and for the first time forgot himself. Anxious to see whether he had done execution he moved forward, projecting his head and shoulders over the window sill, and peered out in the direction he had fired. He was in the act of withdrawing when the ambushed sharp-shooter fired. The Frenchman fell forward with his head and shoulders out of the window. The Baron saw the momentary convulsive grasp, the tearing up of the snow with the hands, and then the sudden stillness which showed that the pig-dog would take no more German lives. He dared not leave his cover till dark; then he returned and told his comrades.



Neither side ventured to visit the cottage for some time; and the body hung there as it had fallen until early in January, when the German siege guns forced back the French defence. Their outposts were drawn in, and the region about Villemomble and the Chateau de Launay was occupied by the Saxons, who buried the dead Frenchman under the window.

He had lived regularly in the cottage. It was found to be well victualled with bacon, tinned food, wine, and coffee; and the man had brought with him a small library of good books, as well as writing materials. On the table in the back room there lay a half-finished letter, which began, *Ma très chère femme*, and told in the most matter of fact manner the results of his ball practice. He sent his love to his children, and begged them to pray for his continued success. He was not a soldier of the line. He wore the coarse uniform of a private of the National Guard, but his linen was fine and marked with a good name. In the left breast-pocket of his tunic was found the photograph of a handsome woman, with a little child at her knee, and a baby in her arms."

No doubt, moralises the correspondent, this *verdammte französischer Schweinhund* was a devoted patriot according to his light, fighting the good fight *pro aris et focis*. There are so many different ways of looking at the same thing. Schönberg's men gave Forbes the relics of the Frenchman; and soon after, when Paris fell, he delivered them at the address. The sharp-shooter turned out to have been a journalist who had enlisted the moment danger threatened France. He had escaped from Sedan to aid in the defence of Paris, and burning with zeal and devoted patriotism, he had taken a dangerous post at what Forbes describes as "the unworthy business of pot shooting," or sniping, as we should say. "The poor wife thought him a veritable hero, and his works glorious and patriotic. His children had a cribbage board with the pegs of which they had proudly kept



the tally of his homicides. I believe, before the Commune days came, that I had almost got to look at the matter from their point of view. I never knew sweeter children."

One of the most cruel features in future battles will be the contrast between the great improvement in the medical service, and the increasing difficulty, despite the Red Cross, of giving aid to the wounded. The late Dr. Billroth, the great Austrian surgeon, who was with the Prussians in the war of 1870, came to the conclusion that in future "it will be no longer possible to remove the wounded from the field during the battle by means of bearers, since every man of them would be shot down, as bearers would be more exposed than men in the fighting line; and the most that can be aimed at is that the wounded man of the future shall be attended to within twenty-four hours." I know myself of an officer of high rank in the Boer War who was shot through the chest, in Buller's attack on Pieter's Hill, when we were trying to relieve Ladysmith. He lay there for fourteen hours before his orderly (who stayed by his side) could get medical assistance. Dr. Bardeleben, who was Surgeon-General of the Prussian army during the Franco-German War, discussed this same subject. "Some," he wrote, "urge an increase of bearers; but we must not forget that bearers have to go into the zone of fire and expose themselves to the bullets. If we go on increasing their number shall we not also be simply increasing the number of the wounded?" His conclusion was that the whole system of carrying away the wounded on litters during the battle must be abandoned as

altogether impracticable. This, I believe, has proved to be generally true. And now battles last a week or ten days! Something, of course, can be done under cover of night—though the practice of fighting at night prevails more and more.

A veteran war correspondent, after seeing the Franco-German and the Russo-Turkish wars and the great losses suffered by both bearers and surgeons, came to precisely the same conclusion: "In the warfare of the future the service as now existing will be found utterly impracticable, since with the improved man-killing appliances certain to be brought into action, the first battle would bodily wipe out the bearer organisation carried on under fire." These opinions have been confirmed by experience. It is probable that, in spite of all improvements in medicine and ambulance, the sufferings of the wounded in the great battles in Manchuria and at the siege of Port Arthur have been as great as, if not greater than, those in any wars of recent times. No doubt the use of the Red Cross is some protection, when once the battle or assault is over and the wounded have been removed to a place apart from the combatants. The Boers besieging and bombarding Ladysmith were able to respect the hospital; but in Port Arthur, which was one great fort or series of forts, the hospital is said to have been riddled by shells, and one can easily understand that in the circumstances of the siege stray shots were certain to strike a building that was out of sight yet within the zone of fire. It is indeed impossible for anyone to picture to himself the horrors of actual warfare under present, to say nothing of future, conditions. Forbes speaks of the weirdness of wholesale death scattered from weapons

whose whereabouts cannot be discerned in the absence of smoke. Edison and Maxim both claim to have invented a military flying machine which can be steered so as to drop five hundred pounds of explosive material with accuracy at any given point, or to rain down a shower of dynamite that will spread death incalculable upon a subjacent army. It is true that this mode of aerial warfare was prohibited for five years by the Hague Convention, but how can we expect such an artificial rule to remain in force? Why should a flying machine be prohibited and a submarine be allowed? Why should a mechanical mine that blows up a battleship or a fort be considered fair if it is considered unfair to drop explosives from above?

Much has been said and written about "amenities in warfare," and about the opportunities for chivalry which it affords. In the stories of mediæval warfare such episodes often afford us an agreeable relief as we read of the indescribable treachery and cruelty that mark almost every victory and capture. In the Peninsular War, though the most ferocious cruelty and reprisals were exchanged between the French troops and the Spaniards, the relations between the English and the French outposts were so friendly that they gave uneasiness to Wellington. In the American Civil War the pickets often bartered tobacco, coffee, and whisky. Human beings are curiously constructed. It is easy to be relentless in a wholesale slaughter where the individual is lost in the mass; but the most ruthless commander sometimes indulges in a freak of humanity. Thus at Austerlitz when about 5000 Russians fled across the ice of Satschan Lake, Napoleon ordered his guns to play on them,

which was done with such success that almost the whole body was engulfed. But the next morning as he rode round the positions he descried a Russian officer on an ice floe imploring succour. The Emperor showed the utmost concern and anxiety to save the man, and when with great difficulty the rescue was accomplished he is said to have shown more pleasure than after his great victory the day before.

## IV.

*Ego.* What do you really think, Seymour, of a military life?

*Seymour.* It has been defined as a life of *ennui* relieved by homicide.

*Arbiter.* Why that is sharper even than John Bright's description of the army as a huge system of outdoor relief for the younger sons of the aristocracy. No, give us your opinion.

*Seymour.* Well it is improving undoubtedly. Since purchase was abolished, and competitive examinations instituted, there has been more interest in the profession, less slackness, less lazy incompetence, and more criticism. As for the rank and file you hear complaints of them, but think of the Duke of Wellington's description of his men as mere riff-raff tempted into the army solely by drink. When I say that the profession is improving I don't mean to assert that active service is as exciting as it was. War has certainly lost its romantic glamour for the soldier. That is appropriated by the reading public. Every year fighting men are more at the mercy of chemists and mechanics.

*Ego.* Then is not war becoming impossible?

*Seymour.* I'm not sure if it is quite fair to ask a professional man whether his profession is becoming impossible. But the question whether war between great nations may become impossible, simply because the machinery of destruction has become so terrifically effective, is quite debatable, and is certainly worth debating from a technical point of view. Bloch's book caused a great sensation in the military academies of Europe, and I have seldom met a military man of intelligence and imagination who did not concede that the Polish Jew made out his case in some parts. I speak as a professional soldier, whose lot it is to survey the organisation of war from the mechanical centre rather than from the human circumference. But when I read the history and try to think out the philosophy of the subject I never fail to wonder how long war between nations will last—for a generation, for a century, or in perpetuity? Many signs point to its gradual abolition. It is fitting therefore that some of the best minds in every nation should anticipate, prepare for, and help to hasten the coming of universal peace.

*Arbiter.* I am glad to hear you say that. The way to abolish war is to alter the dispositions that lead to war. Then with the need (or apparent need) for them armies and navies will gradually disappear.

*Truelove.*

“Far is the time remote from human sight  
When war and discord on the earth shall cease;  
But every prayer for universal peace  
Avails the blessed time to expedite.”

*Case.* Better work for peace than pray for peace.



*Seymour.* It is equally necessary that others should work at the national defence and try to render the army and navy as efficient and economical as possible. These institutions are a necessity, however much we deplore it, so long as it is impossible to insure ourselves by any other means against the dangers of attack. I fully agree with the Admiral that our present scale of armaments is utterly extravagant, leading to waste, corruption, and inefficiency, as well as arresting the growth of commerce and the diffusion of comfort. I wish Ministers understood the political harm they do both in the War Office and the Admiralty by letting parliamentary control of the purse slacken. So long as military and naval establishments are kept up let them be carefully attended to.

; . . . . .

*Clarke.* You do not seem to think that the horrors of a campaign have been lessened?

*Seymour.* A wound is a wound still; and I really don't see that the horrors of a battlefield are much lessened on balance. Just look at this description. I hardly like to read it aloud. It is the impression made upon the best war correspondent of our time by the battlefield of Sedan.

*Here Seymour passed round to us a piece of paper on which the following was written :*

“Let your readers fancy masses of coloured rags glued together with blood and brains, and pinned into strange shapes by fragments of bones. Let them conceive men's bodies without heads, legs without bodies, heaps of human entrails attached to red and blue cloth, and disembowelled corpses in uniform, bodies lying about in all attitudes with skulls shattered, faces blown off, hips smashed, bones, flesh and gay clothing all pounded together as if brayed in a mortar, extending for miles, not very thick in any one place,

but recurring perpetually for weary hours, and then they cannot with the most vivid imagination come up to the sickening reality of that butchery."

I have tried to show that changes in practice, tending on the whole to restrain the passions of those actually engaged in battle, have been brought about of necessity by the discovery of gunpowder and by a long succession of consequent inventions which have separated the combatants more and more from one another.

*Clarke.* Certainly, and it is an important consideration that has been too frequently neglected. But is that all?

*Seymour.* Perhaps I ought to have admitted that, in spite of all difficulties, the sufferings of the wounded have been mitigated by the Red Cross—Dumont's happy inspiration—and by international convention, as well as by improvements in the art of medicine and surgery. You know the story of the French surgeon who always cauterised the wounded on the field of battle. One night he went to bed after a hard day's work, leaving many still uncauterised. He could not sleep at night for thinking of these poor fellows, but in the morning when he went over the field he found that of those whom he had attended a far greater proportion had died in the night than of those whom he had neglected; and from that time the medical profession began to abandon its time-honoured custom of cauterising wounds. But some improvements in the art of war seem to lead to greater suffering. Winter campaigns are a case in point. Machiavelli, whose dialogue on the art of war is universally admired, made his principal character

lay it down as a sound maxim that even in Italy it was not safe to make winter campaigns in an enemy's country. To neglect of this caution he attributed the defeat which the French sustained at the hand of the Spaniards near the Garigliano in 1504.

Two and a half centuries later we find Frederick the Great instructing his generals that winter campaigns (in Germany and Austria) are the ruin of your troops, not only on account of the sickness they occasion, but because an army in continual motion can neither be clothed nor recruited. It is, he wrote, abundantly certain that the best army in the world cannot long support winter campaigns; "for which reason they ought by all means to be avoided." Nevertheless Frederick confesses to having had recourse to "this ruinous kind of war" oftener than any other general of his time, so that remembering the much colder climate of which Frederick is speaking a comparison of his opinion with Machiavelli's discloses the facilities which improved transport and other mechanical inventions placed at the disposal of the later strategist and also the sufferings which were thereby entailed upon soldiers. As to the present operations in the Far East, time will show whether the Japanese can really conduct a winter campaign effectively in Northern Manchuria as they did in Southern Manchuria against the Chinese. Frederick, I may observe, especially warned his generals against winter expeditions where there are many fortified towns, "as in that season sieges are impracticable."<sup>1</sup>

<sup>1</sup> See Frederick's *Military Instructions*. Article 28.

But the mere fact that both sides contemplate a winter campaign in those icy regions is enough to prove that the same invention which mitigates suffering in one direction may produce new horrors in another. I confess to shuddering at the hardships which both armies are about to face—not of course that one need fear a recurrence of the appalling horrors of the retreat of Moscow.

*Clarke.* The influence of the mechanical arts on war are certainly far reaching, and, as you have shown, not always softening. But science and the arts are not the only factors in improvement; and one cannot help feeling that these mechanical causes are insufficient to account for some of the moral changes you have noticed—such as those that have occurred in the treatment of hostages and prisoners and non-combatants, in the laws of pillage, and so on.

*Arbiter.* I see that you have a theory of your own and I think we have a right to demand it.

*Clarke.* Certainly; but first of all, if you please, I shall quote a few examples of the customs of war in the fifteenth century.

At the siege of Rouen in 1418 Henry the Fifth erected gibbets round the city, and from time to time as he took prisoners hung them up in full view of their friends within the walls. Not content with this, on the capitulation of the town, he reserved by an express article a certain number of men on whom he should be allowed to exercise his rights of vengeance.

In 1421, at the siege of Meaux, Vaurus, the Governor, sent his English prisoners regularly to an elm (which on this account was called the Elm of Vaurus), where they were hanged without mercy.

The English of course retaliated, and with comparative mildness and justice contented themselves on the fall of the place with putting to death Vaurus with five of his principal officers.

In 1431 the Commandant of Guerron, a town in Champagne, being pressed to extremity by a French general named Luxemburg, could only save the majority of his soldiers by yielding up every fourth and sixth man to "the mercy of the conqueror." The garrison passed in review before Luxemburg; the victims were chosen, and executed on the spot by one of their own body, who was forced to serve this bloody office.<sup>1</sup>

In 1476, so Ward writes in the year 1795, "I find a strange law of war which in these days would be held equally infamous. The Duke of Burgundy having besieged Nanci, efforts were made by several gentlemen to throw themselves into the place. One of them being taken in the attempt, the duke ordered him to be immediately hanged, *saying that it was contrary to all the rights of war, when a general had begun the siege of a town and the fire of the artillery had commenced, for any one to attempt to enter the fortress in order to defend it.*" Comines, who gives the account, adds that this was really the custom in Spain and Italy. In 1749 Maximilian, Archduke of Austria, incensed at his military progress being arrested for three days by the little castle of Malauny, near

<sup>1</sup> These examples, with many others, are quoted by Robert Ward from Monstrelet's Chronicles. As Henry the Fifth of England was rather more humane than his contemporaries the abominable cruelties which he practised in France were due, not to natural barbarity, but to the custom and practice of war.



Terouenne, hanged the gallant governor, Raimonet, as soon as he surrendered. From these and other instances Ward concludes that the interval of nearly three hundred years which separated the reign of Richard I., when such enormities were most frequent, from that of Maximilian had produced no amendment in the laws of European warfare. It is true that the more civilised maxims and policies of later times are usually traced to the fifteenth century; but whatever may have been the output of maxims, the practices and customs of war throughout that century are, according to Ward, "peculiarly shocking." Take for example the account in the chronicles of France<sup>1</sup> of the ravages of the French and English, in consequence of which neither man nor woman was to be seen in the whole country of Caux, except in the garrisons of fortified places, or that yet more harrowing description of the miseries of war in barbarous times which appears in Speed's translation from Polydore Virgil:

"While the English and French' (quoth he) 'contend for Dominion, sovereignty and life itselfe, men's goods in France were violently taken by the licence of warre, Churches spoiled, men everywhere murdered or wounded, others put to death or tortured; Matrons ravished, Maydes forcibly drawne from out of their parents' armes to bee deflowered, Townes daily taken, daily spoiled, daily defaced, the riches of the inhabitants carried whither the Conquerours thinke good; houses and villages round about set on fire; no kind of cruelty is left unpractised upon the miserable French. Neither was England her-self void of these mischiefes, who every day heard the newes of her valiant Childrens funerals, slaine in perpetual skirmishes, and bickerings, her generall wealth continually ebd and wained, so that the evils seemed almost equal,

<sup>1</sup> *Chroniques de France*, p. 124.

and the whole Western world echoed the groans and sighs of either Nations quarrels, being the common argument of speech and compassion throughout Christendom."

Yet the English were thought in those ages to have been more regular than other nations in their conduct of war!

The change in the treatment of captives also precedes the period to which Captain Seymour has confined himself. Speaking generally, the ancient rule of civilised warfare seems to have been that prisoners were the lawful slaves of the captors, and Grotius admits that this rule was still in conformity with the law of nations. By nature, he writes, no men are slaves; though natural justice may permit slavery to arise out of human convention or delict. By the law of nations, however, which Grotius was analysing, slavery had a wider scope.

International law at that time recognised as slaves not only those who surrendered themselves into slavery, but all persons without exception taken captive in a regular war; and this though they might have committed no fault. All were doomed, even those who by chance were found and taken in the enemy's territory when war suddenly broke out.

"What just punishment have these men incurred? some one may say, when he sees prisoners of war sold into slavery with their wives and children. *These calamities are by the law of war to be borne by those who have done no wrong.*" Such are the melancholy words of the historian Polybius; and Grotius, after examining the authorities, feels bound to admit that they are strictly accurate. On the other hand, as he says, a milder rule had already been established

among Christians whereby prisoners of war might not be made slaves in the ordinary sense; that is, they might not be sold and forced to work or to suffer what slaves suffer: "a most righteous provision, since Christians have been, or ought to have been, better taught by the great Teacher of all charity than to refrain from killing their wretched captives only in return for exacting some smaller cruelty." This advance, says Grotius, small though it be, was produced by reverence for the law of Christ. Socrates had tried, but vainly, to procure its adoption by the Greeks in their wars with one another.<sup>1</sup>

*Truelove.* I am glad we have Grotius' authority for that.

*Case.* You will find, however, if you look at the passage, that Grotius further mentions that the rule which the Christians follow about prisoners of war the Mahomedans also observe among one another. But the Christians of that day were inferior in this respect, that they had substituted for slavery the usage of keeping captives till a ransom was paid for them. Their rule was that a captive belonged to his captor, and was a prize of war.

*Clarke.* Whatever may have been their relative merits in the time of Grotius we shall all agree that since his day the Christian nations have made more progress than the Mahomedan in civilising warfare. You will ask however what my object was in raising this discussion. I wanted in the first place to point out that Seymour's theory of a purely mechanical causation will not do. Our moral habits and our progress in refinement are not due merely to electric

<sup>1</sup> See Grotius, b. iii., c. vii.

light and motor cars, or even to magazine rifles and eighty-one ton guns. Further, I wanted to insist that, while it is quite proper to observe customs and conventions of war very strictly in the sense of not falling below the standard of decency prescribed, yet nothing can be more unfortunate than that publicists should acquiesce in current rules and regard them as in any way fixed and unimprovable. Of course I am no lawyer, or only a natural lawyer, and therefore I speak subject to the correction of my learned friend Mr. Case. But I believe I know my Grotius, and I think I see why he built up his whole structure on a foundation of natural law and utility. His ultimate object was not to ascertain the practices and customs of war and peace. He ascertained them in order to select and he selected in order to improve. But he was one of those great men who think far ahead of their day. He was a reformer not merely or mainly for his own generation but for the far distant future. Many of the most approved practices of the noblest warriors of the past were odious to Grotius. He felt them to be utterly inconsistent with the dictates of humanity and with the natural feelings of fellowship among men. So he gave the best form he could to existing customs, but invoked the aid of nature, morality, good sense and religion to nurse men into a higher conception of international laws and duties. In this spirit Vattel—often a worthy disciple—in righteous indignation at the usage so often sanctioned by the tyrants of his age of retaliating upon an adversary's perfidy by putting his hostages to death, declares: "the custom of nations, the most constant practice,

cannot justify an instance of barbarous cruelty contrary to the law of nature.”<sup>1</sup>

*Browne.* That is a fine saying. But as to the custom of murdering hostages by way of reprisals I believe it was denounced and renounced by Gibbon’s favourite, Julian the Apostate. It is a grievous fact that so many Christian monarchs during the fourteen succeeding centuries should have committed this peculiarly atrocious type of murder.

*Seymour.* In the treatment of prisoners you certainly have a bright example of progress that is not due to mechanics. But remember that even now quarter is not always granted. In the Russo-Turkish war it was persistently refused, and the Turks frequently mutilated the wounded before killing them. That the general standard of military conduct has been raised by the Geneva Convention, by the declaration of the Brussels Conference, by the regulations adopted at the Hague in the year 1899, and by the Military Manuals (if not by the Soldier’s Pocket Book) I do not doubt: but—to mention the first only—I feel bound to recall the saying that, “in order fully to carry out the idea of the Geneva Convention it would be necessary to cease to make war.”

*Arbiter.* That makes a very eloquent peroration to your paper; and I shall now adjourn the conference till after dinner when Tracy is to tell us about Sea Power and Food Supply.

<sup>1</sup> Book ii., chap. xvi. *ad fin.*



## V

*Dinner over we were summoned together to hear the Admiral's paper. After protesting against an old sea-faring man, who had never written anything better than a log book, being called upon for an essay, he read as follows :*

When I first joined the service steam was just beginning to be introduced. The change came very slowly, and the new power was looked on with dislike and disapprobation by all the old Admirals and sea-captains of the Navy. In the Crimean War about a score of our vessels were worked wholly or partially by steam power ; the French had a dozen, and the Russians five or six steam frigates, in the Black Sea. All were of course wooden, but during the war I remember that both we and the French constructed floating batteries, protected with iron plates, for the purpose of attacking shore ports. From the Crimean War therefore both the steam and the iron revolution may be said to date. But it was not until 1858, two years after the Crimean War, that the French set the example by building an armoured frigate. The *Gloire*, as she was called, was designed by Dupuy de Lome, who prophesied that his ironclad among wooden ships would be a lion in a flock of sheep. Thus, under the auspices of the Third Napoleon, was introduced into Europe what has proved the most expensive of all modern inventions in naval warfare. The *Gloire* cost £280,000, nearly three times as much as the biggest line of battleship previously constructed ; but it was not until

the battle between the *Monitor* and *Merrimac* proved the value of armour, that wooden ships were finally superseded. Then all the fleets of all the Powers became suddenly worthless for war purposes, and the new types of battleship began to be laid down in England, France, Russia, and a little later in Austria, Italy, and Germany. According to Bloch, whose figures are generally reliable, the old first-class line-of-battle ship, the sailing vessel, never cost more than £115,000. The first English ironclad, the *Warrior*, begun in 1860, cost £350,000. A German ironclad, launched in 1868, cost half a million, and an Italian ironclad in 1886 cost a million. Of course the engines in modern ships of war are a very formidable item of expense compared with the old masts, sails, and rigging; but by far the greatest part of the cost, at least in battleships, is armour. For instance, of the total sum (£840,000) expended on the Italian *Magenta*, £600,000, *i.e.* 71 per cent., was for armour. I suppose one may say that the average price of a first-class battleship is now from a million to a million and a half, according to its size. In actual war a mechanical mine may send it to the bottom in five minutes. Anyhow, in six or eight years it becomes obsolete, and is relegated to the reserve; but until it is actually scrapped as old iron, its cost for upkeep and repairs is enormous. The annual expense of repairing the British navy has risen incredibly during the last ten years.

These figures only become intelligible by comparisons. The Russian cruiser, *Rurik*, is of 10,933 tons burden. But its engines and boilers take up a space 192 feet long. To give a comparative idea of

the size of the *Rurik's* machinery, Admiral Makaroff observed in describing the vessel: "If we were to take out of the ship the engines and boilers, also the coal bunkers, and fill the vacant space with water, a frigate of the old type might easily be moored inside, with all its equipment and all its guns. Around the frigate there would be sufficient space to steer a pinnace." Yet not an inch of this vast space was wasted. The machinery was compressed to a seemingly impossible extent. "The engineer," wrote the Admiral sympathetically, "must be an acrobat, and the stoker, who by forced draught has to make the boiler give twice the steam pressure that corresponds to its dimensions, must in endurance and energy give way in little to Satan himself."

After these revolutions from wind to steam, and from wood to steel, has come a third, perhaps more tremendous in its possibilities than either. When I left the service, torpedoes and torpedo boats were only just coming in. An "American tortoise" might be exploded by a boat with a long pole against the side of a sleeping ironclad, moored near the shore on a dark night. Special craft, called torpedo boats, had begun to be built to expose as little surface above water as possible, so that they could steal up to a war vessel unnoticed. In the Russo-Turkish War of 1877 the Russians sank one Turkish ironclad in this way, and injured three others. In 1885, fighting the Chinese in Tonkin, the French Admiral Courbet sent two steam cutters into the harbour of Shein. They sank a Chinese frigate and got away undamaged. In the Chilian War an ironclad was sent to the bottom.

Talking of steam power I may as well read you a prognostication written in the year 1839 by Fenimore Cooper in his *Naval History of the United States* :

“An opinion is becoming prevalent that the use of steam will supersede the old mode of conducting naval warfare. Like most novel and bold propositions, this new doctrine has obtained advocates, who have yielded their convictions to the influence of their imaginations rather than to the influence of reflection. That the use of steam will materially modify naval warfare, is probably true ; but it cannot change its general character. No vessel can be built of sufficient force and size to transport a sufficiency of fuel, provisions, munitions of war, and guns, to contend with even a heavy frigate, allowing the last to bring her broadside to bear. It may be questioned if the heaviest steam vessel of war that exists could engage a modern two-decked ship even in a calm, since the latter, in addition to possessing much greater powers of endurance, could probably bring the most guns to bear in all possible positions. Shot-proof batteries might indeed be built that, propelled by steam, would be exceedingly formidable for harbour defence, but it is illusory to suppose that vessels of that description can ever be made to cruise.”

*Seymour.* If a steam cruiser were inconceivable to naval experts in 1839, we must not wonder that army experts take little account of flying machines. But there seems good reason to think that, if the custom of war continues, we or our posterity will “see the nations’ airy navies grappling in the central blue.” It is odd, by the way, that you may

fire at a balloon, but a balloon may not drop explosives on you. But I beg the company's pardon. I had forgotten for a moment that the paper is not upon aerial navigation.

*Admiral.* No. I am at sea; very much at sea.

*When the laughter had subsided the Arbiter said:* "All this is very interesting, Tracy; but I want you to tell us seriously what you think about 'the price of Admiralty.'"

*Admiral.* I remember my father, who served under Nelson, saying that Sir Robert Peel and Cobden were quite right about the Navy. It was large enough. If twelve English line of battle ships could not beat nine French we had better give up shopkeeping, and emigrate to a safer country. His sentiments are my sentiments. I can't bear to think of those half-pay officers and naval writers screaming for money on behalf of the contractors, and proclaiming to the world that three Englishmen ain't equal to one German.

*Meyer.* But surely the country must secure itself against invasion, and the danger of its food supplies being cut off in time of war.

*Admiral.* There speaks the true-born, up-to-date Briton. It is really for your sake that we are sitting up to-night. For nothing would suit my brother-in-law but that I should try to calm your fears with a bit of a paper on the Invasion Scare and the Food Supply Panic. It's taken me the devil of a lot of trouble; the ink does not run easily from my old pen. But here goes; if it strengthens your nerves and puts a little heart into the City, I shall be well rewarded; for I want the income tax to go down before I die.



Let me see. I have spoken already of steam and ironclads and torpedoes. I ought to add something about the conditions of the service. Of course, as Seymour says, they are vastly improved, and most of the improvement in pay, food, and treatment has occurred in the last century, if not in my own lifetime. Then the customs of warfare really are better. An idea of the brutality with which sea fights were conducted even so late as the reign of Charles II. may be got from Charles Molloy's standard *Treatise of Affairs Maritime and of Commerce*.<sup>1</sup> It was thought necessary to provide, by the ninth article of our naval code, that when foreign vessels were taken as prizes without fighting, "none of the captains, masters, or mariners, being foreigners, shall be stripped of their clothes," etc. But Molloy points out that "this law most expressly doth not extend to those that obstinately shall maintain a fight; for most certain by the law of arms, if the ship be boarded and taken, there remains no restriction but that of charity." And if a ship persists for a long time in resistance, and only yields to mercy at the last moment, "there hath been some doubt whether quarter ought to be given to such; for they may ignorantly maintain with courage a bad cause." There was a special provision that persons found in the boats of an enemy's fire-ships should be put to death if taken alive, the reason why the extremity of war is used in such cases being that "by how much the mischief is the greater by the act of such men, if executed, by so much the punishment is aggravated, if taken, and quarter denied them by the law of war."

<sup>1</sup> 2nd ed., 1682.

Discipline in the British Navy was maintained in Charles the Second's reign by various punishments, such as the cat, the wooden horse, and the gauntlet. An offender might be ducked in the water, beaten at the capson's head, hoisted up the mainyard end with a shovel at his back, and the like. The penalty for being convicted of telling a lie on board ship was elaborately set forth. The liar was "hoisted upon the main stay with four braces, having a broom and shovel tyed to his back." There he continued an hour, every man crying, "A liar! a liar!" and for a week following he had to clean the ship's head and sides without board, "according to the ancient practice of the navy."

I don't think naval life was much better (for the men) in the reign of George the Third. In some ways it was worse. Listen to this from a letter of Horace Walpole, dated 1760: "Sir Cloudesly Shovel said that an admiral would deserve to be broke who kept great ships out after the end of September, and to be shot if after October." Yet in the month he wrote (January) Hawke, in the Bay of Quiberon, was weathering one of the severest winters on record after conquering in a storm. Certainly during the Napoleonic wars, even when numbers of workmen in town and country were starving, it was impossible to recruit men for the Navy. The press gang was constantly at work in the coast towns. Americans, Swedes, and Norwegians were habitually seized and "pressed" at sea in defiance of international law. Under the circumstances, it is surprising that our fleet could generally be counted upon; though at the time of the Mutiny of the Nore our sailors were on the point of hoisting the Republican flag.

But I am drifting out of my course. You want to know what I think about the invasion of England, and I had better read what I have put down upon the subject.

#### THE INVASION OF ENGLAND.

I am an old man now of course, and cannot pretend like Seymour to be equipped with all the latest information, still I have had the advantages of long experience. I have kept myself tolerably up to date; and what, perhaps, is of a good deal more importance, I have (latterly) tried more and more to apply common sense to problems of national defence, and to test the conclusions of military and naval experts (especially expert *writers*) by the ordinary rules of reasoning. Seymour said he would leave to me the question whether Great Britain could be starved to death or invaded by any Power or probable combination of Powers. I have had a talk with him, and we are pretty well agreed; but I'm not furnished with anything like an elaborate treatise on the subject. I have a good many notes, and Seymour and I are both prepared to answer questions on this and on other problems of imperial defence, such as the protection of merchant shipping and trade in general during a war. Let me begin by reading a brief memorandum—a sort of summary of facts and of my own conclusions. History recounts four conquests of England by aliens—the first, by the Romans, who, in the course of a long century (B.C. 55 to A.D. 84) conquered the scattered and disunited tribes of barbarous Britons; the second, by the Angles, Jutes, and Saxons, who

conquered all England except Wales in about 380 years, A.D. 400-780 (when Offa made his dyke). So long did it take to subdue the unwarlike population of Roman England after the withdrawal of the Roman garrison. The third was by the Danes, who harried the country from 787 to 1017, when the Danish Canute was chosen king of England. The fourth and last was by the Normans, A.D. 1066-1071. On all these occasions England was thinly populated and loosely governed. In none can it be said that there was a united and strenuous national resistance. The Roman conquest may perhaps be compared to the English conquest of India or Egypt. It was the introduction of law and order into a weak, divided, and barbarously governed country. The Saxon invasion was an immigration, and so were the Danish raids, which ended in considerable settlements all along the eastern coast. In 1066 the sovereignty was contested and the people divided. The whole population of England was probably smaller than that of Liverpool is now, and much the greater part consisted of serfs, who had no particular reason for preferring one kind of thralldom to another. It was not a nation of free-men, but a governing class divided against itself, that William's French Northmen met and overthrew at Hastings. Afterwards, indeed, but too late, there were popular uprisings in the north and east against the Normans. Then slowly the work of consolidation began, and the people of England became the English. From that time to the present, a period of eight centuries and a half, there has been no serious, much less any successful, invasion of England by a foreign army—Scots excepted.

Excuse this invasion of mine into the province of history. I trust I have not been romancing.

*Browne.* You exclude of course invasions by invitation. The barons in 1216 offered the crown to the Dauphin. He landed at Sandwich and reached London unopposed. Then there are the cases of Henry VII., Monmouth, William of Orange.

*Admiral.* Certainly. I include them all, though I had forgot the Dauphin. But I freely admit that if part of the nation desires to change its government and obtains aid from abroad for that purpose, an invasion of England might at any time be feasible. I have often been told that the discontent of the labourers and working classes—starving and unenfranchised as they were a century ago—was the real reason why Napoleon's invasion was projected and feared. If the fleet had mutinied at that time, the English revolutionaries might have risen, and a Republic might have been established here by the aid of a French army. Of course, between the Conquest and the Armada there were several projected invasions of England. You will find most of them collected in Sir George Clarke's book on Imperial Defence. There were plenty of raids made upon our shores; coast towns like Portsmouth and Scarborough were burnt in the reign of Richard the Second, and when the Navy went to rot in the time of Charles the Second the Dutch burnt British shipping in the Thames. At that time there was no naval obstacle to the invasion of England. Nor was there from June 1690, when Lord Torrington was defeated by the French off Beachy Head, till May 1692, when our naval supremacy was restored by the Battle of La Hogue. But,



though our population then was smaller in comparison with that of foreign nations than it is now, and though Scotland could not be counted on, the English nation was far too formidable to be attacked with a view to subjugation. No foreign monarch dared to make such an attempt even in days when the difficulty of governing a nationality against its will was less appreciated.

The military objection to invading England now takes this form: "If we succeeded in landing a big army, how could we get it out again?" The political objection comes as a corollary: "And what possible good could we do there?" The idea of conquering and governing the thirty-five millions of people who inhabit England and Wales and Scotland against their will, even if there were no organised resistance, is quite absurd.

*Arbiter.* I gather that there are three reasons why the invasion and conquest of England are impossible, and that each would be valid even if the other two objections were removed—the Naval obstacle, the Military obstacle, and the Moral or Political obstacle.

*Admiral.* That is my meaning; and in my opinion the last is the most conclusive. Since England has been a nation it has often been in a military or naval sense, sometimes in both, almost defenceless—if you doubt me read Macaulay's description of the English army and the state of our military defences in the days of the second Charles and James—but never in the long centuries of bitter and almost continuous warfare against the great Powers of the Continent have we suffered a serious invasion. If, then, history teaches us anything, it teaches us that the invasion scare is the emptiest of all bogeys. But

let us put history aside and see whether new possibilities have been introduced by modern inventions, or by changes in the organisation of warfare. That there have been important changes I do not deny. The question is whether they have been mainly on the side of the offensive or defensive, or rather, whether they have made it easier or more difficult to defend an island like ours against an invasion.

The establishment of conscription in France, Germany, and Russia is a formidable fact; but to us it brings an important grain of comfort. Continental conscripts have an invincible repugnance to be shipped away from home. I say continental advisedly; for I think that Japan, an island like ourselves, is the only modern country except Great Britain which has ever shipped a large army overseas. She landed 200,000 fighting men in Corea at the beginning of the seventeenth century, and she has landed twice as many now; but history tells us of no invasion of Japan. The idea of a sea voyage to a hostile country is altogether repugnant to the military feeling of continental soldiers.

*Seymour.* The feeling no doubt exists. But France sent considerable armies by sea to the Crimea, and again to Mexico; and Spain sent, from first to last, over 200,000 men to subdue the Cuban insurrection.

*Admiral.* You are quite right. Those cases should have been mentioned. But now let us come direct to this question of an invasion. An invasion may be deliberate, concerted, and expected, or a secret, sudden surprise. First as to a surprise and its difficulty. Suppose the German Government or the French Government wished to surprise us, they obviously could not prepare secretly on a very large scale. If they

did so in a time of peace suspicion would quickly be roused, and protests made by the friends of peace, or the friends of England would hear of it and expose it. Then whatever happened there could be no surprise. A surprise invasion during a war was infinitely more feasible in the old days, when telegraphs and telephones did not extend from every town and pass over every border, when there was but little trade or intercourse between countries in time of peace, and scarcely any in time of war. But if England were unhappily at war with Germany, we should know as much, probably more, about movements in Germany than we do now; and of course our fleets would be on the alert, and all branches of the army<sup>1</sup> would be ready to move if required to any point of danger.

If it were proposed to land an army of 100,000 men, with their proper equipment of guns, ammunition, and provisions, to attempt the conquest, I will not say of England, but of some great town or group of towns, a large fleet of transports would have to be got together; probably a fleet of 250,000 tons. At any ordinary time such a quantity would not be available in the northern ports of our nearest neighbour, France. Even if it were all these ships would have to be collected into one port, along with a strong force of battleships, cruisers, etc., to guard them. Under the most favourable circumstances it would certainly take more than a whole day of twenty-four hours to land 100,000 men on an absolutely unguarded coast. If they began at daylight, and

<sup>1</sup> Say 100,000 regulars, 100,000 militia men, and 200,000 volunteers.

were not discovered or suspected till then, they would certainly be attacked both by sea and land before they had disembarked with all their stores and munitions. The Armada would be exposed to the *probability* of a most frightful catastrophe the moment it appeared off our coast. But the experts say it would take at least two whole days for such a body to disembark in calm weather, though they were absolutely free from disturbance or interruption. Yet they would after two days inevitably be opposed by an army at least twice their size! And then there would be our fleet! See what a series of impossibilities has to be assumed by anybody who is persuaded that England is in danger of invasion. First, you must have an Armada with a great fleet of transports assembled by stealth, at a base within a few hours' steam of our shores. Then for forty-eight hours after it has started and is discovered it must be supposed to remain unmolested by a fleet three times as powerful, and by an army which should be twice as strong long before the landing has been effected.

The real thing to notice is the effect of steam power. The invention of steam terrified the Duke of Wellington and Lord Palmerston. Indeed in my young days it was the fashion to say that steam had bridged the Channel. Those whose minds or interests were inclined to panic, being either naturally timid or bent on making the nation military and spending as much as possible on the army and on fortification, thought only of the rapidity and precision which steam gave to the movements of an invader. They forgot or ignored the inconvenient fact that it gave the same rapidity and precision to the concentration of



the defending fleet and army. And now that we have telephones, telegraphs, and wireless telegraphy, the advantages given to the invader are greatly over-balanced by the advantages that have accrued to the defence ; so much so that, apart from our access of strength by sea and land, the impossibility of a successful invasion of England is more certain and complete than ever before in our history.

When, for example, Napoleon was assembling an army near Boulogne and building a great flotilla to transport them across the Channel, it was possible for a British panic-monger to argue with some plausibility : "No doubt we have the superiority at sea, and if our fleet can arrive in time at the scene of action it will be able to destroy the Armada, or at least drive it back ; but suppose a head wind or a calm prevented our fleet coming up, might not Napoleon get such an army rowed across and safely landed as could occupy London, and with the aid of the revolutionaries at home destroy the English monarchy ?"

Such an argument could not be advanced now. Telegraphy and steam preclude the possibility of a large army being landed without an action at sea or without an almost immediate attack from land at the point of debarcation. Steam indeed has joined together not merely England and France, or England and Germany, but the whole world for mutual intercourse and trade. But it has not bridged the Channel for the purposes of invasion. It has made defence easier and invasion more hazardous.

Now about Food Supplies. I take it the position is this. After the harvest we have about three months' supply of corn, and from that time until just before



the next year's harvest the supply dwindles to perhaps five or six weeks. Our principal sources of supply for all kinds of food, including meat, butter, and eggs, are the United States, Russia, Argentina, Canada, Australia, France, India (in good seasons), and Denmark.

Taking the worst case (because it is the only one in which our food supplies could possibly be endangered), the defeat of our navy. The enemy, I will suppose, is master of the seas, and is able to intercept many of the neutral vessels carrying food and raw material to our shores. In the present state of international law the enemy's ships of war can seize and sink as many British vessels as they like; only they must take the crews and passengers on board. But they cannot interfere at all with neutral vessels unless they are carrying contraband of war to England. There's the rub. The Jurists tell me that neither international law nor civilised opinion will allow a belligerent to declare food generally to be contraband. Theirs is not a mere pious opinion. Great Britain is the best customer of some of the most powerful nations in the world, who would certainly not allow their trade interests to be lawlessly and violently interfered with.

Enough! What is the use of being long and tedious, especially at this time of night? I hope the company, including Mr. Meyer, will agree that the thing is as plain as a pikestaff, and that old men like me can go to bed and sleep securely.

*Meyer looked as if he would have liked a little more discussion; but there was a strong feeling that we had had enough for the day, so the Arbiter thanked Seymour and the Admiral, and the Council adjourned.*

## THE THIRD DAY. WEDNESDAY.

### PRIVATE WAR AND THE DUEL.

#### I.

*Arbiter.* In arranging our programme of proceedings I thought that, after a general discussion on the first day, we ought to consider the actual conditions of warfare and the changes which have been introduced in modern times by discovery and convention. Upon this topic we were informed yesterday by our military and naval advisers, and I think we were all encouraged and stimulated—encouraged by the progress that has been made and stimulated to fresh exertions by the enormous improvements, short of stopping war altogether, that still remain to be accomplished, especially in the direction of confining hostilities strictly to the combatant armies, of enlarging the rights of neutrals, and of exempting all peaceful commerce from the interference of belligerents.

It is sometimes argued that by humanising war, by alleviating its cruelties and circumscribing its horrors, you are prolonging its life. War, they say, cannot be otherwise than a cruel scourge; it is a thing not to be improved but abolished. This attitude is like that of an uncompromising teetotaller,

whose only remedy for the drink curse is absolute prohibition; it is one from which I for my part, as a practical reformer, entirely dissent. The movement of civilisation is felt in many directions. All history and experience shows that war becomes less frequent as warfare becomes less cruel. The same influences that led to the refinement of the duel are contributing to its extinction, and we may now, with reasonable certainty, forecast for public wars between nations a similar fate to that which has overtaken private wars between individuals and small communities. But I am trenching upon the subject of this morning's paper, and I therefore call upon our historian to distribute the knowledge he has been storing up for our benefit.

*Browne.* The title of my paper is *Private War and the Duel*. I make no pretensions to original research. Every branch of the subject has been investigated by an array of learned writers, among whom I will only mention here Selden, Spelman, Du Cange, and Henry Charles Lea of Philadelphia, whose treatise on the Wager of Battle is an elaborate and judicious examination of the original authorities. In the Roman Empire it was not lawful or customary for individuals or subordinate societies to settle their disputes by the sword. The imperial authority imposed law and conferred citizenship over a vast extent of territory from Hadrian's Wall to the banks of the Euphrates. With the disruption of Roman society law and order almost disappeared from Europe, and when a new civilisation began to emerge from the ruins of the old the first obstacle to the progress of government was the custom of private warfare. Twelve centuries

after the fall of Rome Grotius himself, having regard to the actual state of Europe, felt bound to distinguish two kinds of war, public and private; for he could not deny that in his day both were legitimate, though he put severe limitations upon the rights of individuals and non-sovereign bodies to appeal to the arbitrament of the sword.

As war is divided into two kinds, public war between sovereign states and private war, so again private war comprises two principal species—contests between individuals and contests between groups. When two men quarrel and wage private war, then if one kills the other we call it murder, or at least manslaughter, unless the act can be shown to have been done in self-defence. But in mediaeval societies single combats were generally permitted by custom, and in certain cases actually prescribed by law. Indeed learned writers have justly distinguished between the duel as a judicial process and the duel as an affair of honour; and if we were treating the subject at length it might be expedient to make a triple distinction, namely, trial by combat, the chivalric duel, or tourney, and the modern duel. But Case has kindly agreed to supplement my discourse with a legal one, so that I need not guard too anxiously against the confusion which might result from taking a general view of the whole subject. And a general view is essential; for the permanent interest of duelling in its various forms depends upon the general drift and tendency of the currents that go to make up the history of the abolition of private war over the greater part of the world. It is, I think, upon the whole the most promising of all the

changes that have taken place in the social organism to those at least who seek a sign of the advent of peace. By the end of the eighteenth perhaps, certainly by the end of the nineteenth century, every state of Western Europe had established sufficient order for its inhabitants to live peacefully in time of peace under the laws of the land. There were from time to time abnormal outbreaks of civil war, violent revolutions; but we can now say that private war (in the sense usually given to that term) has almost disappeared. Even those forms of it which lasted longest, piracy, brigandage, and duelling, are practically extinct. We admit—indeed it is part of our argument—that the distinction between private and public war is only a distinction of degree. Of the two steps leading from universal war to universal peace the longest and most difficult has been taken. For how do we stand? Single robbers, or a few associates, to borrow a sentence from Gibbon, are branded with their genuine name, but the exploits of a numerous band assume the character of a lawful and honourable war.<sup>1</sup> We are at a half-way house.

By private war then is to be understood unlawful war, or war that is not authorised by sovereign public authority. A war between municipal corporations like Manchester and Liverpool would be private war, though a war between Florence and Milan in the fifteenth century (much smaller towns but sovereign republics) was public war. The duel proper between two private persons is the most private of private wars. When seconds and thirds came in and fought beside their principals, as Montaigne describes, the

<sup>1</sup> *Decline and Fall*, chap. 50.



scale was enlarged. It was the privilege of a man of quality to attack his equals and to defend himself against them with the sword. To private war in this sense only gentlemen had the right. When great barons came into conflict private war ensued on a large scale; for all kinsmen and dependents were involved in these bloody feuds. Private war, whether waged by barons or by robbers or buccaneers, disappears when the sovereign in each state is strong enough to establish law, and when the police of the land and seas has become effectual. In England, for instance, it practically came to an end with the wars of the Roses, and what remained of it was put down by the stern rule of the Tudors. But in the Highlands of Scotland feuds and private wars between the clans lasted until after the rising of 1745, and in Ireland agrarian war continued into our own times.

Freeman points out that the central power was at first stronger in Germany than in France. But it is to Germany that we turn for the later history of private war; for there, owing to the decadence of imperial authority and the number of small states, its ravages lasted longer than in any other part of Western Europe in spite of all the efforts that were made to restrain it. The miserable impotence of public law in Germany might be illustrated by the language of the imperial edicts. Thus the famous edict called the *Landfriede* or Public Peace which was promulgated by the Emperor Frederick I. in 1187 A.D., towards the end of his life, was so expressed that, though incendiaries and many other disturbers of tranquillity were menaced with the Ban of the Empire, yet a special clause was inserted authorising everyone to

reserve *the right of doing justice to himself by force*, provided he gave three days' notice to his adversary and declared his hostile intentions.

While in France and in England<sup>1</sup> from the fourteenth century private wars—if we refuse this title to the religious and civil struggles engendered by the Reformation—were almost confined to single combats and duels, in Germany barons with their retainers, corporate towns, principalities and states frequently took up arms against one another; nor was there any approach to internal peace until after the final catastrophe of the Thirty Years' War, which left many parts of Germany desolate and ruined for generations. For a long time the most that the Emperors dared to attempt was to threaten with punishment all who indulged in private war without giving three days' notice, and these denunciations were solemnly re-enacted in the Golden Bull of Charles IV. (1356). Apart from imperial manifestoes there is ample evidence that the 'right' of private war was constantly exercised by German potentates in the fourteenth century and that their example was not lost on their inferiors. In 1312, for instance, the Counts of Schwartzburg and the Elector of Mentz made war on the Margrave of Misnia and the city of Erfurt. They lost forty knights and esquires; but an officer in the service of the Elector captured fifty knights and esquires from the Misnians and people of Erfurt. He imprisoned them at Arnstadt, and they paid the Elector of Mentz 2000 marks of pure silver (£2600)

<sup>1</sup>In the reign of Stephen there were said to be above 1100 forts and castles in England, whose proprietors exercised the right of private warfare.

for their ransom. In another private war against the Counts of Hanstein the Schwartzburgs invaded without provocation the territory of Mentz, and burned a village with its inhabitants and many horses belonging to the Elector; they also sacked ten churches, and burned them with the people who had fled into them for refuge. About the same time, it is recorded, the Counts of Hohenstein seized and hanged four castellains of Mentz; with a troop of 200 horsemen they attacked Duderstadt by night, where they seized two burghers and hanged them "without either judge or law."<sup>1</sup> It is asserted with confidence by the learned and cautious Pütter that in the fourteenth and fifteenth centuries there was scarcely a habitable district in Germany which was not almost incessantly troubled and devastated by private war.

Hunting and fighting were in that age the only occupations worthy of a lay gentleman; to a needy knight the profession of arms afforded the only means of livelihood and the possibility of a career. He might hire himself out for wars private and public, or might join with other bravoës in quest either of plunder, or of some rich merchant or noble whose capture would yield a fat ransom. Clubs and combinations of this kind were prohibited in the Golden Bull, a sign that they were numerous and formidable at the time. They adopted such fancy names as the Knights of the Horn, of the Star, of the Club, or of the Red Sleeve. The Golden Bull did not stop the mischief; for in 1367 we hear of a Swabian band called Martin's Birds—because they came together on St. Martin's Day—or 'Bruisers' (Schlägeler) because

<sup>1</sup> See Gudenus, *Cod. Diplom.*, vol. iii., pp. 456-458.

the emblem of their order was a silver club. These jolly bandits soon made themselves famous. They heard that Count Eberhard of Württemberg was resting at Wildbad after the hardships of war. It occurred to Martin's Birds that here was a noble ransom going begging, and it would be fine sport also to take such a prize as Eberhard. On a sudden they swooped down upon Wildbad; and would have seized the Count and his family without difficulty had not a faithful shepherd given warning and guided them by a secret path into a place of safety. The Count, who had himself been the scourge of the Imperial Cities, was now resolved at all costs to punish the impudence of the Birds! To this end he obtained the support of the Emperor Charles the Fourth, but apparently without much success; for four years afterwards he was treating with the City and Bishop of Strasburg for assistance against his foes.

It may seem astonishing that any sort of civilised life should have been possible in that miserable country. The mystery is explained by Leagues for the maintenance of the public peace. In 1241 the Hanseatic League was formed by Lubeck and Hamburg for the purpose of guarding trade routes and protecting commerce. They were joined by the important town of Brunswick, then a staple mart for Italian wares, and afterwards by Bremen, Cologne, Magdeburg and many other towns not only in Germany but in the Low Countries and Scandinavia.

The Hanseatic League in the days of its strength maintained a fleet of warships to guard its commerce on the high seas, and also patrols of armed men to guard the roads between the Elbe and the



Trave. It was a commercial federation and was at the height of its power in the fourteenth and fifteenth centuries, when Germany was suffering most from the mischief of private war.

A less famous League was the Rheinbund, a federation of seventy Rhenish towns formed for purposes of mutual aid and protection under the patronage of William of Holland.

Another important check on the progress of private war was the Swiss Confederacy, which took shape by degrees in the first half of the fourteenth century, and developed the most formidable infantry in Europe. In a great part of Germany however the evils of private war were rather aggravated than diminished until towards the end of the fifteenth century, when the establishment of the Swabian League at length fortified the imperial authority. Many plans were indeed proposed in the long reign of Frederick the Third (1440-1493), but they were, with the one exception of the Swabian League, wholly unsuccessful, and a contemporary writer frankly describes Germany as "a den of murderers."

The English historian of the House of Austria<sup>1</sup> devotes an unusually lively paragraph to "the right of diffidation or private warfare" as it was exercised in Germany during this period. "Not only did sovereigns and states," he writes, "engage in hostilities from interest or revenge, but the lesser barons and even associations of tradesmen and domestics sent defiance to each other on the most ridiculous pretences and in a manner scarcely credible at the present day [1807]." He cites a declaration of war

<sup>1</sup> Coxe, *House of Austria*, chap. xix.



from a private individual, Henry Mayenberg, against the Emperor himself, another from the lord of Prauenstein, against Frankfurt, because a young lady of the city refused to dance with his uncle; another in 1450 from the baker and domestics of the Margrave of Baden against Eslingen, Reutlingen, and other imperial cities; another in 1462 from the baker of the Count Palatine Lewis against the cities of Augsburg, Ulm, and Rothweil; another in 1471 from the shoe-blacks of the University of Leipzig against the provost and some other members; and finally a defiance issued in 1477 by a cook of Eppenstein, with his scullions, dairy maids, and dish washers, against Otho, Count of Solms. A few years before his death, as we have seen, a step was taken by Frederick the Third towards abolishing private war and ensuring the peace of Germany by the formation of the Swabian League. By this league in a short time no less than 140 strongholds "of nobles or banditti" were successively demolished. Thus the way was paved for Charles the Fifth, whose power, in co-operation with the German princes, became so formidable that he was thought to be aiming at universal monarchy.

But I pass from these forms of private war, which are now quite obsolete, except in such countries as India, Russia, and South America, to the duel. Unknown to the ancient Greeks and Romans the duel was introduced into Roman Europe by the Germans and the Northmen. The heroes of the Edda were rewarded at the Court of Odin by being allowed every morning as soon as they were dressed to go out into the court and fight with one another till

the close of the day, when they returned to the Valhalla to drink beer or mead.

By a law of the Burgundian Gundebald (A.D. 501) all disputes were to be decided by the sword, and the same custom prevailed among the Lombards. Trial by single combat came to be regarded as a form of justice in which the decision was left to God. It was curbed by Charlemagne, but revived under his successors. The Norman conquest introduced the judicial combat into England (where it had not been recognised by the Saxon or Danish laws), but with the restriction that no priest should fight without the leave of his bishop. For a long time, however, there were plenty of fighting bishops to grant the privilege and encourage the practice. From the time of the Norman conquest for several centuries wager of battle was universal in Europe, and formed an integral part of every nation's judicial constitution. Late in the seventeenth century it was necessary in Spain to restrain bishops and other dignitaries of the Church from fighting. Cardinal de Retz fought two duels. From time to time both the Church and the Empire intervened. The Truce of God (1041) forbade fighting from Thursday sunset to Monday sunrise in each week, and on all Church festivals. In 1173, to encourage trade, Frederick Barbarossa granted Flemish traders immunity from the duel. The Emperor Frederick the Second, in his Neapolitan Code (1231) prohibited wager of battle in nearly all cases, and he also ordered the nobles to relinquish their "privilege" of plundering travellers. Yet one of the complaints against this Emperor made at the Council of Lyons was that

he had compelled clerics to fight duels! Early in the twelfth century Chivalry arose. The Templars, the Knights of St. John, and other powerful orders were instituted, ostensibly to defend the honour of the weak and to rescue the oppressed, really to strengthen the grip of the Church on Feudalism and of Feudalism on society. That chivalry had some tendency to refine manners, and to raise the position of women may be conceded. Certainly it shed a romantic glamour over the daily violence and cruelty that marked private and public life. How chivalry was viewed by the statesmen of the Church may be gathered from a discourse of St. Bernard's (A.D. 1127), wherein he extolled the order of Knights Templar as a combination of monasticism and knight-hood, and described it as a design to give knightly militarism a serious Christian direction, and to convert war into something that God might approve.<sup>1</sup> In England the single combat as a judicial proceeding was not admitted in the Admiralty Courts or in Mercantile Law. Even as a civil remedy or as a substitute for criminal justice it never really flourished, and after the legal reforms of Henry II. and Edward I. it practically disappeared, though it was not formally abolished until the year 1833 after some scandalous revivals. As late, however, as 1631 the preliminaries of a trial by combat between Lord Rea and David Ramsay were arranged before Robert Earl of Lindsey and Thomas Earl of Arundel. Again, in 1638, Lilburn challenged Claxton in a civil action. But in the first case, after the Court had met several times in the painted chamber, the quarrel was accom-

<sup>1</sup> Neander's *History of the Church* (English edition), vol. vii., p. 347.

modated by King Charles I., and in the second the proceedings, at his suggestion, were delayed. In 1641 Lilburn complained to the House of Commons that his battle was being illegally postponed. The House thereupon resolved to bring in a bill to take away trial by combat; but the bill was never passed.<sup>1</sup>

On the Continent the combat was in constant use as a legal remedy until the fourteenth century. In the reign of St. Louis, we are told, plaintiffs and defendants were allowed to appeal from the law to the sword, witnesses had recourse to it to establish their evidence, and the judge himself was liable to be challenged by a disappointed litigant, and was bound to defend himself unless he was the culprit's feudal lord. Yet St. Louis did all that he could to restrict private war. Discouraged by the laws, single combat flourished under the influence of chivalry in the form of tournaments and duels, the duel alone surviving when the age of chivalry was succeeded by the age of honour, and the lance yielded to the sword and the pistol. The code of honour and the art of fencing were elaborated in Italy. Italy had supplied Europe with causes of offence, methods of reparation, privileges of challengers, duties of seconds; in short, with all the points of honour and minutiae of procedure in the law of taking and giving offence. It is hardly an exaggeration to say that European society in the seventeenth and eighteenth centuries paid far more attention to the works of Mutio, Fausto, Attendolo, and the rulers of the Duello, than to the revelations of Grotius and his successors. With the

<sup>1</sup> See Rushworth's *Historical Collections*, vol. i. part ii., pp. 788-790; and vol i. part iii., p. 396.



noble science of honour was of course associated the noble art of fencing, and to Italy the bravoes of Europe resorted to learn the latest tricks and stratagems of sword play. The line between the duellist and the assassin was not too distinctly drawn, and the man of honour often stooped to hire the services of a professional bully. "Does the man live who inflicted that wound?" asked Henry IV. of France when Lord Sanquhar, who had lost an eye at sword play with an English fencing-master, was presented to him. Stung by the taunt, Sanquhar returned to England and avenged his honour by hiring two professionals to assassinate his luckless instructor. Bayard, the *chevalier sans peur et sans reproche*, who is always regarded as the last true representative of chivalry, ran his sword through a Spaniard whom he had taken prisoner, because the Don complained of his captor's discourtesy. The story of the "Paragon of France" may serve to illustrate the temper of chivalry and the practical workings of the code of honour. The Paragon flourished in the time of Charles the Ninth, that feeble tool of Catherine de Medici who assented to the massacre of St. Bartholomew in 1572. Brantôme (1540-1614), from whose narrative the following account is drawn, is an appreciative witness and glorifier of the Paragon's misdeeds.

Duprat, Baron de Vitaux, the *Paragon of France*, was the son of Chancellor Duprat, and from early life displayed symptoms of undaunted courage. He commenced his career in arms by killing the Baron de Soupez, who threw a candlestick at him at dinner and broke his head; for which Duprat waylaid him on the road to Toulouse, and having dispatched him,



escaped in a woman's clothes (*bravement en habit de damoiselle*). His next exploit was to murder Monsieur de Gounellieu, the Master of the Horse to Charles IX., in revenge for the death of one of his brothers, a lad of fifteen, whom Gounellieu had treacherously slain. Fearing the king's resentment he fled to Italy, but quickly returned in order to revenge the death of another brother, who had just been killed by his own near relation, the Baron de Millaud. He remained concealed in an obscure lodging on the Quai des Augustins and grew a long beard to escape recognition. Then disguising himself as a lawyer, in company with his companions, the two Boucicaux, "brave and valiant men known as the Lions of Baron Vitaux," he watched for Millaud. At length meeting with Millaud before the lodgings, they set on him and slew him. Vitaux fled, but was captured and imprisoned in Paris. Thereupon Monsieur de Gua, a gallant and distinguished officer and a favourite of the king's, opposed the grant of pardon to Vitaux; wherefore the Paragon, six months afterwards, stole into Gua's house with one of his men, and dispatched him in his bed. "This deed," says Brantôme, "was considered one of great resolution and assurance." Duprat was again pardoned through the interest of the Duc d'Alençon and Queen Marguerite. However, his hour at length came—the brother of the Baron de Millaud, whom he had assassinated eight years before, called him out, first *securing himself with a cuirass under his clothes* that was painted flesh colour to escape detection. The sword of Vitaux bent against it; in vain he repeated his thrusts; the Baron's brother quietly ran him through and through,

without having the courtesy to offer him his life. It was a fine coup (*un très-beau coup d'essay*) for young Millaud, but a 'fascheuse' and cruel end for the Baron de Vitaux. "Thus," says Brantôme, "died this brave baron, the Paragon of France, who was famed for the valour and resolution with which he upheld his quarrels and satisfied his revenge. He was esteemed not only in France, but in Spain, Germany, Poland, and England, and every foreigner who came to Court was most anxious to behold him. He was very small in stature, but very great in courage; and though his enemies pretended that he did not kill his men fairly, but had recourse to various stratagems, still it is the opinion of great captains, even Italians, who are always the best avengers in the world, that stratagem may be paid for in the same coin without breach of honour." Another of Brantôme's heroes is one D'Entragues, who stabbed his adversary to death with a dagger he had treacherously concealed. Another favourite is a Neapolitan bravo who killed three men in one morning on the same spot, and left them with the utmost nonchalance *à la garde de Dieu pour estre enterrer*.

Lord Herbert of Cherbury (1582-1648) in his entertaining autobiography tells us of a court-ball that he attended while he was acting as British Ambassador at Paris. At this ball he found, to his surprise, that a Monsieur Balaguy, who had neither looks, birth, nor dress to recommend him, was far the most popular man with the Parisian ladies. One after another they asked him to sit next to them. The Englishman was at a loss to understand it; until "informing myself by some standers-by who he was, I was told that he

was one of the gallantest men in the world, having killed eight or nine men in single fight, and that for this reason the ladies made so much of him."

It is a little difficult to make out the relationship between the Christian Church and the various forms of fighting by which disputes were settled and glory won in the middle ages; but I hope Mr. Truelove will give us an *apologia pro ecclesia sua* on a later day.

*Truelove.* No, I'm afraid that I regarded duelling as outside my scope. Pray give us your view, even though it be distorted by pagan prejudice!

*Browne.* Well, I have put down a few quotations which go to prove that the barbarians who embraced Christianity made their new heaven very like their old one, and left the earth very much as they found it. The wager of battle seems to have been an ancestral institution of nearly all the races who inherited the Western Empire. Upon their conversion to Christianity, as Lea puts it, the appeal was transferred from the heathen deities to the new God, who was expected to intervene and give victory to the right. Thus the judicial combat was an appeal to the highest court, "and popular confidence in the arbitrament of the sword was rather strengthened than diminished," in proportion as the new faith was stronger than the old. Comparatively enlightened lawgivers like Charlemagne and Otho II. preferred the fighting test to the oath in some forms of procedure. Trial by combat was used to settle disputes of property as well as to meet accusations of crime. Women always, and ecclesiastics usually, provided themselves with champions, and perhaps it was the improbability of a fight between hired champions ending in accordance

with divine justice, that brought the practice into disrepute. Am I not right?

*Case.* Doubtless; yet for centuries the combat almost suspended legal processes in Burgundy and Bavaria. St. Agobard, in his treatise against the *Lex Gundobaldi*, complained that trial by combat had made proofs and witnesses useless.

*Browne.* But the saints were not unanimous. In the middle of the thirteenth century, St. Ramon de Peñafort seems to regard the issue of a duel as a judgment of God<sup>1</sup> and as a means of arriving at truth.<sup>2</sup> For a long time there was no restriction upon the right of an accused person to fight it out with hostile witnesses, or even to challenge his own judges.

*Case.* So long as the feudal system remained in full vigour an appeal to arms was the only means of reversing a judgment in the courts. The practice of appealing to a higher court was an innovation introduced into French law by St. Louis.

*Browne.* Even when the judicial duel had lost authority and repute, the impiety of confusing religion with homicide persisted. Thus Brantôme in his discourses on duelling tells of two gentlemen who fought before the altar to decide which should use the censer first. But the Council of Trent (1563) utterly abolished "the detestable practice" as a machination of the devil,<sup>3</sup> and excommunicated all from the Emperor downwards who permitted duels between Christians, including even spectators.

As to principals and seconds, not only were they to

<sup>1</sup> Dei iudicium.

<sup>2</sup> Ad probationem veritatis.

<sup>3</sup> Detestabilis duellorum usus fabricante diabolo introductus.



be excommunicated, but their persons were declared infamous, their goods were to be confiscated, and their bodies denied Christian burial. Some few protests were made against this spiritual canon by civil authorities; but by that time the ruling powers of Western Europe had begun to suppress the mischief.

Germany has suffered more than any other part of Europe from private war, and many ineffective edicts against it were issued by the emperors. At last, in 1495, Maximilian prohibited it in all his dominions, and the Imperial Chamber was established to terminate differences between members of the Germanic body, with a view to ending all intestine feuds between the princes of Germany.

In France the severest penalties were threatened against duelling by royal edicts from the sixteenth century onwards, but for some time the king's example neutralised the king's warning. Francis the First was anxious to meet Charles the Fifth in "a secure field" in order to disprove a charge of bad faith. He granted a judicial combat to two of his nobles in 1538, and the defendant not appearing was condemned to death. Henry the Second of France, on losing a favourite in a similar trial by battle, swore solemnly never to sanction another, and after this the judicial duel fell into desuetude. But "points of honour" multiplied. In the twenty years' reign of Henry IV. 4000 French gentlemen fell in duels. "The madness of duels," writes Henry's biographer, the Bishop of Rhodes, "did seize the spirits of the nobility so much that they lost more blood by each other's hands in time of peace than had been shed by their enemies." Sully indeed and Richelieu did their utmost to put



down the custom. But duelling continued to flourish until the reign of Louis XIV.<sup>1</sup> Even the authority of the grand monarch could not altogether stamp out the plague, and it raged with renewed fury in the following reigns. Duels were instituted between ladies of the Court, and Maussin, an infamous opera singer, after killing three men retreated to Bavaria, where she became the mistress of the Elector.

In England duelling always met with strong opposition; it was regarded as a foreign invention. But in the reign of Elizabeth it became fashionable, and some restraints were placed upon fencing schools. At last Bacon determined to suppress the nuisance and induced the Star Chamber to issue a decree against it, which seems to have been for some time effectual. Bacon said that if a new "law of reputation" were permitted "Paul's" and Westminster, the pulpit and the Courts of Justice, our year books and statute books must give way to French and Italian pamphlets.

But here I am already on ground far more familiar to my learned brother, and I will ask him to complete this imperfect sketch with the story of the abolition of the duel in England.

*Case.* As you have remarked, the duel began to be a nuisance in Elizabeth's reign about the same time that it became so fatally fashionable in France. Its rise coincides with the disappearance of private

<sup>1</sup> Voltaire writes in the second chapter of his *Siècle de Louis XIV.*: "Ce n'est pas trop dire que dans le cours de vingt années, dont dix avaient été troublées par guerre, il était mort plus de gentil-hommes français de la main des Français mêmes que de celle des ennemis."

war and the disuse of the judicial combat. In the eye of our law indeed the duellist who kills his man has always been a murderer. But so long as society admires an offence, the laws are never enforced. Under the Commonwealth duelling was suppressed ; but, like most private vices, it flourished after the Restoration. In Selden's *Table Talk* (which appeared long after his death in the year of the Glorious Revolution) there is a paragraph on duels that arrests me. "A duel may still be granted in some cases by the law of England." Here he refers of course to the wager of battle and the judicial duel which, as we shall see, remained *lawful* at the beginning of the last century. In an interesting Latin letter written from the Inner Temple in 1618 Selden declare that the forms and rules regulating judicial combat belong rather to the Roman than to the common law, because the court for such combats was a court of chivalry presided over by the Earl Marshal. This does not of course mean that duelling was a Roman institution. It came to England, he writes quaintly elsewhere, through the Normans from the breeding ground of Norway. The *later* canon law of the Church certainly inhibited duelling. Nevertheless, "that the Church allowed it antiently appears by this," again I quote the learned Selden, "in their public liturgies there were prayers appointed for the duellists to say." The judge, he adds, used to bid duellists go to such and such churches to pray. Milward, Selden's faithful secretary, who so judiciously took down and edited his sayings, never gives them in the form of a dialogue. But evidently in this discourse on duels Selden's companion

asked whether duelling (granted that it had been sanctioned by the Church and the laws) was also just and right—in accordance with the natural and moral law. Selden evades the question by linking the duel with war. If you hold that war is right, he says, I will undertake to prove that duelling is right also. If one nation has a grievance against another there is no judge to decide the controversy and grant a remedy. Therefore it appeals to God, *i.e.* to the arbitrament of war. Similarly, if a man is injured by another and the law can give him no redress (as when he is merely injured in honour), can he not with equal justice appeal to the same God by the same process? There is the difference of course that a sovereign state is “supreme,” in the sense that it has no earthly superior; but Selden argues that in certain cases the individual also is supreme, and if so, may he not right himself?

*Clarke.* He might have added that states have no moral right to forbid their citizens to appeal to arms in individual controversies if they themselves set the example in national controversies. The absence of a supreme judge or arbiter was not irremediable. It was, and is, as easy for two states to appoint an arbiter as for two men to do the same. It was, and is, as easy for a collection of states to submit themselves to an international authority as for a collection of men to submit themselves to a municipal or national authority. Is it not rather an instructive fact that, a century after Selden, Rousseau should have drawn from the prevalence of duels the melancholy inference that it would be impossible to put a stop to war between nations? Is it

likely, he cries, that sovereigns will submit their quarrels to judgment when by the utmost rigour of their laws they have never been able to compel their own subjects to forego the appeal to arms? "If a simple gentleman takes offence, he disdains to bring his complaint before the tribunals of the Marshals of France,<sup>1</sup> and do you think *a King* will lay his before a European diet?" Another reason given by Rousseau why there would be an even greater difficulty in stopping wars than duels, was that rulers who go to war only stake the lives of their subjects, whereas duellists run a double risk, first of the sword, then, if they escape that, of the rope. But it's an ill wind that blows nobody good, and does not our worthy Selden find in the duel a justification for parliament making war upon the King?

*Case.* Yes; and that, I suppose, was a reason for withholding the publication of *Table Talk* till 1689. A duke, he declares, ought to fight with a gentleman because his dignity does not entitle him to do the other any injury. By doing the injury the duke makes himself the gentleman's equal, and is bound to answer a challenge. "This will give you some light to understand the quarrel betwixt a prince and his subjects." In his short but very learned treatise, *The Duello or Single Combat*, Selden divided the judicial combat, as established among us by the Norman kings, into two kinds, criminal and civil—"criminal being waged for purgation of an imputed crime, civil when deciding controversy touching private wrongs or interests." In important criminal offences,

<sup>1</sup> Courts of honour for the adjustment of quarrels established by Louis XIV. in the hope of preventing duels.



such as treason, murder, and robbery, appeals had "from ancient times been triable at the defendant's pleasure by the duel."<sup>1</sup> As to the existence of this right Glanvil and Bracton and all the early authorities are equally explicit. But "rare," says Selden, "are the examples of battels waged upon criminals in the annals of the English laws, and (if I forget not) the least plural number doubled comprehends as many as are therein reported with ensuing performance." The combatants were usually armed only with a lance and a shield. Their heads, hands, and feet were bare. But in the famous combat between Sir John of Ansley and Thomas Catrington, ensuing after many years' delay upon an accusation of treason,<sup>2</sup> they fought first with lances, then with swords, then with fauchions, until at length (though with some hazard and doubt) Ansley was adjudged victor and convicted his opponent of treason. In the twenty-fifth year of Henry the Sixth's reign occurred the last criminal duello mentioned by Selden. "John David falsely appealed his master, William Catur, an armourer in Fleet Street, of treason." After wager of battle Smithfield was

<sup>1</sup> See chapter vii. of "The Duello or Single Combat from antiquity derived into this kingdom of England with several kinds and ceremonious forms thereof from good authority described." The treatise was finished by Selden at the end of 1609 and published in the following year.

<sup>2</sup> It was held at Westminster in the third year of Richard the Second before an exceeding conflux of people from all parts of the kingdom. When Catrington began to make exceptions to the form of the articles of accusation, the Duke of Lancaster openly menaced him with an oath that unless he would waive objections of form he should be presently drawn and hanged as a traitor. "Thereupon the squire ceased from his exceptions and intended only the combat."



appointed for the fight. "Catur was so merry with his friends before the combat that, when he had most cause of circumspect observation, an Icarian shadow so darkened his eyesight and weakened his forces that he was unluckily there by his most offending servant overcome and slain." Questions of blood, nobility, and even of title to land might also lawfully be referred to single combat; but few examples are recorded of battles fought and judgments given in disputes about property, though we have full descriptions of the forms and ceremonial usages which had to be observed by the champions in such cases before they entered the lists. Disputes about coats of arms and the like were referred more frequently to the arbitrament of arms, but these were always decided in the Court of Chivalry under the jurisdiction, not of the Justices, but of the Constable and Marshal. The procedure before the Court of Chivalry was very solemn and punctilious. A chartel containing the accusation was exhibited to the judges of chivalry and its truth confirmed by oath. The chartel or challenge was then sent to the accused, and if on the duel day he failed to put in an appearance his honour was attainted. But I am being tempted beyond the boundary of my subject; and if you are curious to pursue these antiquities, are they not written in Selden's book on *The Duello or Single Combat*?

The end of the duel in England may now be told. Before the close of the sixteenth century the chivalric duel was forgotten; it could not be revived even by the antiquarian zeal of Selden. It had already fallen into desuetude when the office of Constable and Marshal lapsed in the reign of Henry VIII. Hence-

forth, when gentlemen fought duels upon points of honour, they fought not under cover of a court of chivalry, but in flat defiance of the law. With the growth of rationalism in the eighteenth century the fashion of duelling declined; but there were still occasions when men of spirit felt themselves compelled to fight, however strongly they condemned the practice. In the reign of George the Third it has been computed that over 200 Englishmen were killed in duels. Duelling was practised or approved by almost all the leading public men of the time, from Wilkes and Townshend, Shelburne, Pitt, Fox, Sheridan, and Wyndham, to Canning, Burdett, Brougham, Castlereagh, and the Duke of Wellington. And such, in the time of our present King's great-grandfather, was the state of public opinion that, though in the eyes of the law every duellist who killed his man incurred the death penalty, only 18 trials took place, only ten persons were convicted, of these ten only two were hanged, and these two suffered not for having killed their men, but for having killed them by foul fighting. Until after the Reform Bill duelling was very common in the army, and occurred pretty frequently between members of parliament.

Meanwhile the judicial duel, or wager of battle, remained an institution of English law more than two centuries after it was described by Selden. Twice, as Browne has shown, its revival was attempted in the reign of Charles the First; but the scandal of an actual conflict was in each case averted. At last, in 1817, a murderer escaped by challenging his accuser, who of course refused the wager, and in the following year this ancient Norman blot was

formally erased from the laws of England. The ordinary duel, however, remained to be put down. It was a characteristic and distinctive vice of the upper classes of society, which, strange to say, had never been imitated by their social inferiors. Scotland, I am glad to think, took the lead in recognising the folly. In 1815 a Scotch Sheriff fined two duellists 25 guineas apiece, and ordered the money to be applied to the upkeep of a lunatic asylum. When the Reform Act of 1832 substituted the rule of the middle classes for the rule of the aristocracy, duelling was doomed. The end is supposed to have been hastened by the amazing conduct of Wellington, who, in 1829, though Prime Minister of England, actually fought a duel with Winchelsea. The following year, in his charge to the jury in a duelling case, Mr. Justice Bayley is reported to have expounded the law as follows:

“We have heard several times during the course of this trial of the law of honour; but I will now tell you what is the law of the land, which is all that you and I have to do with. It is this: that if two persons go out with deadly weapons, intending to use them against each other, and do use them, and death ensue, that is murder, wilful murder.”<sup>1</sup>

<sup>1</sup> Quoted in Walpole's *History of England*, chap. xvii. See also *Annual Register*, 1830, pp. 162-167, where a good account is given of the proceedings at the Old Bailey on October 8th. Captain Helsham was indicted for the murder of Lieutenant Crowther whom he had shot in a duel at Boulogne in the previous year. According to the *Annual Register* the Judge instructed the Jury that, if parties went out to fight a duel and death was the result of that meeting, the surviving parties in the transaction were equally guilty of the crime of murder whether fair or foul means had been used. The Jury however found the prisoner *not guilty*.

This was very different language from that of Baron Hotham, who, a generation before, is said to have told a jury that the acquittal of an officer who had murdered another in a duel would be "lovely in the sight both of God and man." For some time longer, however, duels continued to occur, and the juries were very reluctant to convict. In 1840 a grand jury found a true bill against Lord Cardigan, who had fought a duel with one of his officers, Captain Tuckett, and wounded him. The peer claimed the privilege of being tried by his peers. After a solemn farce in the House of Lords the peers acquitted the prisoner. There was great popular indignation; and three years later, when an officer killed another in a duel, the Ministry deprived him of his commission and refused a pension to the widow of the murdered man. The year 1844 may be fixed as the year when duelling was suppressed in England. A society formed in London for the abolition of duelling was joined by many high officers in both services. The practice was strongly condemned in Parliament as criminal in its tendency and contrary to divine command. Finally, the Articles of War were amended; officers were forbidden to duel, and subjected to the loss of their commissions if they chose to disobey. "One hundred years," if I may repeat the reflection of Sir Spencer Walpole in one of the most striking chapters of his history, "is only a short period in the history of a nation; yet one hundred years may produce many revolutions in politics and manners. In November, 1746, a secretary at war had written to an officer in command of troops that he must either fight a duel



or be broke. In April, 1844, the Queen's Regulation declared that an officer who chose to fight a duel should be cashiered. Such was the opinion of Court and Ministry in the days of Pelham, and such was the change in the days of Peel."

*Browne.* And what a transformation in France since the time when Lord Herbert of Cherbury wrote from the court of Louis XIII.: "There is scarce a Frenchman worth looking at who has not killed his man in a duel."

*Seymour.* Napoleon has the credit of being the first commander to abolish duelling in his army. "Good duellist, bad soldier," was a saying of his.

*Browne.* Yes, but it was restored with the Bourbons and still lingers. In the suppression of duelling England may certainly claim to have helped Europe by her example; and the reputation of an English gentleman is higher than ever since he abandoned "the law of honour."

I feel very grateful to Case for what he has done to redeem my paper. It was indeed too large a subject; but I had to execute the commands of the Arbiter.

Undoubtedly we moderns have much to be thankful for when we look back at what our ancestors suffered. Private war by land is now extinct in Europe, except in parts of Sicily and of the Balkan Peninsular. The pirate has practically disappeared from the high seas, though piracy by combatants at sea has not yet been banned. The slave trade is almost suppressed. This wonderful revolution has not been brought about in so short a space by mere improvements in the police, though these have been great. The telegraph, the telephone, the railway, and the steamer,



and the wonderful developments in the art of lighting towns, have been even more potent factors in securing civilisation from private wars. In the narrow sense of the term, a combat between two individuals, private war is still authorised, or at least tolerated and winked at in some civilised societies. But fatalities are very rare.

The duel, indeed, as a mode of settling affairs of honour between gentlemen, though discountenanced by public law, still survives in a mild and attenuated form, and "honour" still secures a few victims among military men on the continent. For centuries the arbiter of European justice, as between men of rank, for centuries more the arbiter of honour, the single combat is rapidly declining in military esteem. It is still a sport for German students and Parisian journalists—rather more dangerous than football, rather less dangerous than polo. There was a time when nobles declared war on burghers, when churchmen and women freely entrusted their disputes to voluntary champions or hired duellists, when the sword decided even pretensions to office, and good Christians regarded its decisions with pious reverence. It was an appeal, they pretended, from the fallible judgment of man to the unerring judgment seat of God. One age transferred civil causes to courts of law; another delivered traitors and murderers to the King's judges. Another took from chivalry its privilege of redressing wrongs and rescuing fair ladies. A fourth suppressed tournaments. The duel remained, sometimes prohibited by royal edicts, and generally discouraged by laws; it long earned the applause of smart society, and many a gallant won his mistress

by killing a rival. Every gentleman was bound to maintain with his sword whatever his lips uttered. But gradually, as enlightenment spread, Justice was extricated from her confusion with Honour; causes and accusations, which had invited a challenge, were by degrees submitted to the arbitration of law or resigned to public opinion. "Explanations were admitted, and society ceased to require, as a feather in the cap of a man of honour, that he had killed his man. Duelling then subsided, to become the unwelcome resource of the good and the brave and the prized proceeding only of the bully, the gambler, and the profligate."<sup>1</sup> Virtue and courage are no longer compelled to this unwelcome resource, nor can the gambler and the profligate any longer rely upon it as a short cut to fortune.

*Ego.* The abolition of duelling inevitably suggests the abolition of war. I suppose we should agree that aggression is equally wrong and immoral in case of nations and individuals. But are both equally entitled to repel aggression? In other words, is there the same right of self-defence for individuals that international jurists claim for nations?

*Case.* I think so, at least in the main. But Blackstone, I am bound to say, hints, in an interesting chapter of his *Commentaries*,<sup>2</sup> that a distinction may

<sup>1</sup> An Edinburgh Reviewer in 1842. Yet in another place this writer has to admit that the duel still maintained itself even in England: "While we thus trace its source to the ignorance and ferocity of our Gothic ancestors, it is truly humiliating that it should be continued to the present day;—that the English gentleman of the nineteenth should join with the Lombard of the eighth century in saying, 'we cannot abolish it notwithstanding its impiety.'"

<sup>2</sup> Vol. iv., chapter xiv.

be drawn between the rights of nations and individuals in regard to killing as a defensive operation. "The law," he says, "requires that the person who kills another in his own defence, should have retreated as far as he conveniently or safely can, to avoid the violence of the assault, before he turns upon his assailant; and that not fictitiously, or in order to watch his opportunity, but from a real tenderness of shedding his brother's blood." And, he goes on, though it may be cowardice, in time of war between two independent nations, to flee from our enemy, yet between two fellow subjects the law countenances no such point of honour, because the king and his courts are the *vindices injuriarum*, and will give to the party wronged all the satisfaction he deserves.

*Clarke.* You have made one omission in your account of duels.

*Browne.* I have made many omissions by design or from ignorance. But what is this hole in my jerry-built edifice, and will you please repair it?

*Clarke.* Not a gap, only a crevice. You have not noticed the one sermon, or at least the one sermon worth reading, that to my knowledge was ever preached against duelling—and you have committed a sort of treason against your host and his House in the Wood—for the sermon I speak of was preached by an Englishman at the Hague nearly three centuries ago.

*Arbiter.* It sounds most interesting. You have sharpened our curiosity and you must satisfy it.

*Clarke.* At the Synod of Dort, 1618, there was present "the ever memorable" Mr. John Hales, and one Sunday in the autumn of that year he preached

before our ambassador at the Hague (Sir D. Carleton, afterwards Lord Dorchester) a sermon against duels, taking as his text (from the 35th chapter of *Numbers*), "*and the land cannot be cleansed of blood that is shed in it, but by the blood of him that shed it.*"

*Arbiter.* And pray, was the discourse worthy of the occasion, the place, and the preacher?

*Clarke nodded.*

*Arbiter.* Could you perhaps recall to us the argument?

*Clarke.* I will try—if you have patience enough—with the help of this book<sup>1</sup> and a few notes I have by me. After contrasting the retaliatory spirit of the Old Testament with the gospel of peace, Hales begins with some searching questions. Does the Christianity of our day, he asks, correspond with that which is commended to us in the writings of the apostles and evangelists? He answers: "He that shall behold the true face of a Christian, as it is deciphered and painted out unto us in the books of the New Testament and unpartially compare it with that copy or counterfeit of it which is exprest in the life and demeanour of common Christians, would think them no more like than those shields of gold which Solomon made were unto those of brass which Rehoboam made in their stead." The Christian character was to be first of all meek, peaceful, and loving. St. James, indeed, gave the first place to purity, but he might well have written: *The wisdom that is from above is first peaceable, then pure.* For when the Son of God, "who is the wisdom of the father," was born, the

<sup>1</sup> *Golden Remains of the Ever Memorable Mr. John Hales.* London, 1673.

song of the Angels was "Peace upon earth and goodwill towards men."

"All His doctrine was *peace*, His whole life was *peaceable*, and no man *heard His voice in the streets*. His last legacy and bequest left unto His disciples was the same: *Peace*, saith he, *I leave unto you, My peace I give unto you*. As Christ, so Christians. In the building of *Solomon's Temple* there was no noise of any hammer, of any instrument of iron; so in the spiritual building and frame of a Christian, there is no sound of iron, no noise of any weapons, nothing but peace and gentleness. *Ex praecepto fidei non minus rea ira est sine ratione suscepta quam in operibus legis homicidium*, saith St. Austin. 'Unadvised anger by the Law of Faith is as great a sin as murder was by the Law of Moses.'

The Gospel, therefore, would purge the Christian not merely of outward strife, but of inward passion and anger. But the conventional Christian of Hales' day, "the Christian in passage," was irascible and violent. Touch him in his goods, in his body, in his reputation and honour, *and see if he will not curse thee to thy face*.

How are the Saviour's commands obeyed—His precepts of suffering wrong rather than to go to Law; of yielding the coat to him that would take a cloak; of readiness to receive many wrongs rather than revenge one? "These and all the Evangelical commands of the like nature *interpretamento detorqueamus*; we have found out favourable interpretations and glosses, restrictions and evasions, to wind ourselves out of them, to shift them all off, and put them by, and yet pass for sound and current Christians. We think we may be justly angry, continue long suits in Law, call to the Magistrate for revenge, yea, sometimes take it into our own hands: all this and much more we think we may lawfully, and with good



reason, do, any precept of Christ to the contrary notwithstanding.”

“And as it usually comes to pass, the permitting and tolerating lesser sins, opens way to greater, so by giving passage and inlet to those lesser impatiences and discontents, we lay open a gap to those fouler crimes, even of murther and bloudshed. For as men commonly suppose, that all the former breaches of our patience, which but now I mention, may well enough stand with the duties of Christians; so there are who stay not here, but think, that in some cases it may be lawful, yea, peradventure necessary, at least very pardonable for Christians, privately to seek each others blood, and put their lives upon their swords, without any wrong to their vocation; out of this have sprung many great inconveniences, both private and publick. First, laws made too favourable in the case of bloudshed. Secondly, a too much facility and easiness in Princes and Magistrates, sometimes to give pardon and release for that crime. Thirdly and chiefly (for it is the special cause indeed that moved me to speak in this Argument), an over promptness in many young men, who desire to be counted men of valour and resolution, upon every sleight occasion to raise a quarrel and admit of no other means of composing and ending it, but by sword and single combat.”

He is sorry, he says later, that it should be necessary among Christian men so long to insist upon a thing so plain, as that murder even in a quarrel for honour and reputation is a great and heinous crime. This opinion had influenced the administration of law and made it defective in the prevention and punishment of duelling; and so it had come to pass, “that in Military Companies, and in all great Cities and places of mart and concourse, few moneths, yea, few weeks pass without some instance and example of bloudshed, either by sudden quarrel or by challenge to duel and single Combat. How many examples in a short space have we seen of young men, men of hot and

fiery disposition, mutually provoking and disgracing each other, and then taking themselves bound in high terms of valour, and honour, to end their quarrels by their swords?"

I ought to say that Hales, as a part of the argument against duelling, defends public war by comparison, or rather admits that blood spilt in public quarrels may be justified by the command of the magistrate,<sup>1</sup> whereas the responsibility and guilt of bloodshed for private concerns cannot be shifted. He points out that duelling was condemned by the history of the Christian religion, as well as by the civilisations of antiquity. There can be no great reason, he says, for an action which was begun by Cain and continued only by Goths and Vandals.

I shall conclude, if you will allow me, by citing his examination of the causes and pretences alleged in his day on behalf of single combat. It brings out, I think, very clearly the moral solidarity of war and duelling. The causes assigned in favour of single combat were, he says, usually two: "First, disdain to seem to do or suffer anything for fear of death; secondly, point of honour, and not to suffer any contumely and indignity, especially if it bring with it dis-reputation and note of cowardise."

"For the first, *Disdain to fear death*; I must confess I have often wondered with myself, how men durst die so ventrously, except they were sure they died well: *In aliis rebus si quid erratum est, potest post modum corrigi*, 'in other things which are learnt by practising if we mistake, we may amend it'; for the error of

<sup>1</sup> In one passage indeed he argues in the manner of Grotius, that the doctrine of Christ is not an enemy to soldiership and military discipline. War and Justice are "lawful times of death."

a former action may be corrected in the next ; we learn then by erring, and men come at length not to err, by having often erred : but no man learns to die by practising it ; we die but once, and a fault committed then can never afterwards be amended, *quia poena statim sequitur errorem*, ‘because the punishment immediately follows upon the error.’ To die is an action of that moment, that we ought to be very well advised, when we come to it. *Ab hoc momento pendit aeternitas*. You may not look back upon the opinion of honour and reputation which remains behind you ; but rather look forward upon that infinite space of Eternity, either of bliss or bale, which befalls us immediately after our last breath. To be loath to die upon every sleight occasion, is not a necessary sign of fear and cowardise. He that knew what life is, and the true use of it, had he many lives to spare, yet would he be loth to part with one of them upon better terms, than those our Books tell us : that *Aristippus*, a Philosopher, being at sea in a dangerous tempest and bewraying some fear, when the weather was cleared up, a desperate ruffian came and upbraided him with it, and tells him, ‘That it was a shame that he professing wisdom should be afraid of his life, whereas himself having had no such education, exprest no agony or dread at all.’ To whom the philosopher replied, there was some difference between them two : *I know*, saith he, *my life may be profitable many ways, and therefore am I loth to lose it ; but because of your life you know little profit, little good can be made, you care not how easily you part with it.*”

Upon this Hales comments : it may be justly suspected, that they who esteem thus lightly of their lives are but worthless and unprofitable men : “our own experience tells us that men who are prodigal of their money in Taverns and Ordinaries, are close-handed enough, when either pious uses, or necessary and public expense, requires their liberality.” He would dissuade a man, not from fearlessness of death, but from contempt of life :

“Life is the greatest blessing God gives in this world, and did men know the worth of it, they would never so rashly venture

the loss of it; But now lightly prizing both their own and others blood, they are easily moved to shed it; as fools are easily won to part with jewels, because they know not how to value them. We must deal with our lives as we do with our money; we must not be covetous of it, desire life for no other use but to live, as covetous persons desire money, onely to have it: neither must we be prodigal of life, and trifle it away upon every occasion; but we must be liberal of our lives, know upon what occasion to spare, upon what occasion to spend them. . . . For brutishly to run upon and hasten unto death, is a thing that many men can do; and we see that bruit beasts many times will run upon the spears of such as pursue them; *Sed deliberare et causas expendere, utque suaserit ratio vitæ mortisque consilium suscipere vel ponere ingentis animi est*; “but wisely to look into and weigh every occasion, and as judgment and true discretion shall direct, so to entertain a resolution either of life or death, this were true fortitude and magnanimity.”

As for the second cause alleged in defence of duels, *the point of honour*, Hales deals very briefly and faithfully with this conceit. Of the points of honour, he says, by far “the greatest part were raised in Taverns, or Dining Houses, or in the Stews.” So rotten were the bones that lay under that painted sepulchre and title of Honour. The remedy would be found in enacting and executing some few good laws—which would “quickly allay this greatness of stomach and fighting humour.”

*Truelove*. I have read of Hales in our Church histories, but I had no notion that he was a man of so bold and independent a cast. Bishop Berkeley had the same opinion of Honour. “I could never find,” he says in one of his dialogues, “that Honour considered as a principle distinct from Conscience, Religion, Reason, and Virtue was more than an empty name”; and that specious character, the man of

honour, who deserts his wife, takes bribes, sells his vote, cheats the public and cuts another man's throat for a word, "is no better than a meteor or painted cloud."

*Case.* The parson and the bishop were excellent. They will have their reward with my special favourite, Bernard Mandeville.

*Seymour.* There is one point, if I may say so, that has been overlooked. I fancy it was the necessities of public war, quite as much as the pressure of public opinion or the influence of Christian morals, that led to the gradual suppression of private warfare and duelling. Napoleon put down duelling, not from feelings of humanity, but because it was subversive of military discipline. When advocates of peace and arbitration deplore the existence of standing armies and the immense expenditure of civilised countries upon training and discipline, they are apt to forget the advantage both in peace and war of disciplined over undisciplined troops. By discipline it is possible not only to protect peaceful inhabitants in the neighbourhood of operations to an extent previously unattempted, but also to prevent the growth of licentiousness and disorder in the army itself.

*Case.* The need of discipline, I suppose, explains the origin of military rank. If there were few differences of rank there would be more quarrels; but as the whole profession of arms is based upon the principle of solving difficulties between states by force it would be natural to settle private quarrels in the army by the sword.

*Admiral de Vere.* Very true indeed. The connection between rank and discipline can hardly be overrated.



It is as easy for an officer to obey the instructions of a superior as it is difficult for him to tolerate the opinions of an equal. The other day I refreshed my recollection of a history of the American Navy which I used to read in my midshipman days. It was written by the popular novelist, Fenimore Cooper; and in the introduction particular attention was drawn to the dependence of discipline on rank. Here are two sentences that struck me, and I am glad I took them down, as they bear on the point you have raised: "by minute subdivisions of rank those personal sensibilities, which are apt to seek relief in personal quarrels, are assuaged by the habitual deference that is paid to the commission. The whole history of the navies of the world furnishes very few instances of duels between sea-officers of different ranks, while unhappily too many cases may be found of meetings [duels] between equals." He thinks that the American naval system of that day made a grave mistake in stopping at the rank of captain "where in truth the great incentives and rewards of the British Navy really commence." The result was that the American fleet excelled in isolated combats but never succeeded in large operations and general actions. There is sound sense in his main argument that an immense deal depends on the due division and assignment of rank and office. According to his view the commission, as representing the powers of the state, becomes a substitute for personal qualities and produces the prompt and nearly passive obedience which contributes to the success of military and naval movements. Rank is an auxiliary to strengthen the habit of submission, a habit indispensable to the

common man or officer who may be required at any moment to risk his life at the orders of another.

*Seymour.* Did he distinguish between our military and naval systems?

*Admiral de Vere.* Yes; he pointed out that in a territorial aristocracy like ours promotion both in the army and navy is the inevitable fruit of favour or personal power. But there was a contrast between the two services which necessarily introduced an element of merit into naval promotion. "In the army," he says, "the mode of purchasing rank has been adopted, by means of which the affluent are at all times enabled to secure the most desirable stations for their children, but professional knowledge being indispensable to a sea-officer a different plan was introduced into the marine." But we are wandering from our point.

*Arbiter.* Nay, we are all interested. Tell us of the naval plan under which you rose in the service.

*Admiral de Vere.* Well, first of all, by favour the boy's name was entered on the books of a ship; and after he had been thus rated for a certain number of years it was competent for the Admiralty to raise him at pleasure as high as the rank of captain. There were only two commissions between midshipman and captain, namely, those of lieutenant and commander; and this well suited the needs of the aristocracy in the good old days; for the rank of a captain afforded the best opportunities of winning a fortune by prize money, so that it fitted the policy of our government to make the steps up to the rank of captain as few as possible. "When the narrow political system," I quote Cooper, "under which

these probationary ranks were established was in full activity."

*Case.* "The full activity" of favour and corruption !

*Admiral.* "The sons of noblemen often passed through the stations of lieutenant and master commandant in two or three years. Nothing was more common than to find captains in command of frigates, who had served but eight or ten years in the navy, with lieutenants *to take care of their ships* who had passed double the time under that one commission alone." But even in the good old days when armies were freely given to destruction under the command of a Duke of York or an Earl of Chatham, fleets were generally entrusted to competent men. Promotion by merit began after the rank of captain ; and while there were only two commissions leading to a competency, there were nine leading from competency to high reputation and glory.

*Arbiter.* As we are upon discipline we might as well have expert opinion upon the question of training. We know that it takes a long time to make a sailor. But can a soldier be extemporised ?

*Seymour.* For defence, yes ; but not for general warfare. There is a story about this which you may not have heard. Decrès once said to Napoleon in council : "I cannot extemporise a sailor as you can a soldier. It takes seven years to make a sailor. You turn out a soldier in six months." Napoleon replied sharply, "Hold your tongue, such ideas are enough to destroy an empire. It takes six years to make a soldier."

*Admiral de Vere.* There was a well-known French Admiral Mathieu in those days, and I recollect reading

a description he gave of the result of raw levies at sea. He was as a boy on board a French corvette in an action with an English vessel. "We passed three times under her stern," he said, "and raked her each time. We ought to have cleared her decks. Not a shot touched her." With the progress of invention, as the machinery of destruction and motion becomes more and more intricate, skill and training will tell more and more.

"What about American duels?" *said the Admiral suddenly turning to Clarke, who had frequently visited the States.*

*Clarke.* In the Southern States of America the custom of "shooting at sight" still continues, and southern gentlemen kill people with impunity. Some years ago a schoolmaster in Kentucky was shot dead in his classroom by the elder brother of a boy he had thrashed. The slightest insult to a woman is held to justify the use of a revolver; the lawless habit of lynching and the fiendish cruelties perpetrated against negro offenders are perhaps the foulest stain on modern civilisation. But the formal duel is unknown in the United States as in England.

Its abolition is generally said to date from the fatal 11th June, 1804, when Alexander Hamilton was shot by Aaron Burr in a political duel at Weehawken on the Hudson. It was an exemplary case. For Hamilton was strongly opposed to the practice, having already lost his elder son in a similar affair. But he felt that political reputation bound him to accept Burr's challenge. Hamilton's motive, according to his own statement, was simply the wisdom of obedience to the customary law of his day: "the ability to be in

future useful," he wrote, "whether in resisting mischief or effecting good in those crises of our public affairs, which seem likely to happen, would probably be inseparable from a conformity with prejudice in this particular."

*Browne.* Yet nearly forty years after Hamilton's death an Edinburgh Reviewer wrote: "there is no people with whom duelling is so frequent and ferocious as the Americans of the United States, and most especially of the Southern and Western States." Whether he meant duelling in the proper sense of the word is not quite clear; for in another sentence he added that the bowie-knife and lynch law (stabbing and mob murder) were commoner there than in any other civilised country.

*Arbiter.* I have read in memoirs that the Revolutionary War greatly aggravated the lawlessness of the Southern States. It was a bitter and atrocious struggle there owing to the numbers of the loyalists who wished to preserve the English connection.

*Case.* I was going to have suggested that the bowie-knife manners were spread by the Dutch. But New York was their settlement and that does not tally with your geography of private war in the States.

*Arbiter.* But why the Dutch? What have you against them?

*Case.* Leigh Hunt says somewhere, in his *Table Talk*, I think, that in the times when duels were fought with swords the Dutch had the following pretty custom. Whenever two boors happened to argue over their beer and could not settle the dispute they took out the knives with which they had been cutting their bread and cheese and "went at it like gentlemen." This was called *snick-and-snee*, which



means *catch and cut*, the parties catching hold of one another and conveniently sneeing or cutting away, as butchers might do at a carcase. A similar custom he says, used to prevail among the Highlanders, who, whenever they sat down to a meal, prepared themselves for accidents, *i.e.* for arguments, by sticking their dirks into the board beside their trenchers so as to have their *reasons* ready at hand. If a man said, "you grow hot and ridiculous," out came the cold steel to disprove his words; and the question was settled upon the most logical military principles.

*Clarke.* The Dutch and the Highlanders were only doing in their own quarrels what all men are liable to be called upon to do now in the quarrels of their rulers.

*Case.* Exactly so, and that is the point Leigh Hunt immediately makes. If private and public virtues are identical, as moralists insist, there is no reason why the disputes of all individuals should not be settled like those of nations in the good old Dutch and Highland manner. At the same time he takes leave to note that the most polished nations of antiquity had no duels, and yet never appear to have felt the want of them!

*Arbiter.* The decline of duelling is but another aspect of the declining glories of militarism. War certainly no longer monopolises fame as it used to do. Was it not a king of Thrace who used to say that, when he was not at war, he felt no better than one of his grooms?

*Case.* Yes. And Tiridates, King of Armenia, held that, while it is enough for a private man to keep his own property, the glory of princes is to conquer

the estates of others. That at least is the sentiment Tacitus puts into his mouth. And Gratian says that the name of "great" properly belongs only to warrior princes. "So much more noble are the arts of war than those of peace."

*Seymour.* Machiavelli is almost as emphatic. "A prince," he says, "ought to turn all his thoughts and care and application to the art of war; that and the several sorts of discipline and institutions relative to it should be his only study, the only profession he should follow, and the object he ought always to have in view. For indeed that is the only profession worthy of a prince." One reason he gives is that a prince unskilled in the art of war, and consequently "in a manner unarmed," will certainly become contemptible.

*Truelove.* Such a retrospect opens up an encouraging prospect. Nowadays Peace is a Power. King Edward the Seventh is very popular without having any great skill in the art of war.

*Arbiter.* He has won his fame as a peacemaker, as the author of *rapprochements* and *ententes cordiales*.

*Case.* Anyhow, he has not followed Machiavelli's maxim that a prince should give himself up wholly to warlike occupations, even more assiduously in time of peace than in times of war. But I wonder when Machiavelli's theory was dropped.

*Browne.* Elizabeth was the first English sovereign who chose peace ministers.

*Clarke.* Yes, you get a growth of a strong feeling that "peace hath her victories no less renowned than war" among the great publicists and statesmen of the sixteenth and seventeenth centuries—Bacon, Burleigh,

Olden Barnevelt, Sully, Grotius, Milton, De Witt, Sir William Temple.

*Browne.* Even Frederick the Great in his *Anti-Machiavel* declared, "a prince who applies himself to military affairs only does one half of his duty; it is evidently false that he has no occasion to be anything but a soldier." Yet he admits, as if to remind us here and now of the vast change in temperature that the political barometer of Europe was to record, "experience has long ago fully shown that when two princes are at war together, a third who stands neuter exposes his dominions to be insulted by both, and probably to become the seat of the war; and that the neutral power will be sure to lose, without any prospect of gaining."

*Arbiter.* In short, it was still a maxim of good policy in Frederick's time that, if any two powers went to war, their neighbours had better fall to as well. Bismarck's political conscience was certainly not more delicate than Frederick's, but his policy of the honest broker shows what a century of utilitarianism and rationalism could do for Prussian "Realpolitik." It is thus that humanity benefits by the enlightenment of selfishness.

*Arbiter.* Duelling and private war are both war in time of peace. Militarism is the condition of society which prevails when a state turns most of its energies to preparations for war in time of peace. Now what is to be considered as the most evil effect of militarism?

*Truelove.* Barrack-room morality.

*Ego.* Economic ruin and the impoverishment of the poor.

*Case.* The substitution of tyranny for law and of discipline for order.

*Clarke.* In short, the loss of liberty. Yes, the worst evil of militarism is the arbitrary power it places in the hands of a few and the slavish obedience it exacts from the many. Swift, no great champion of liberty, looked upon arbitrary power as "a greater evil than anarchy itself; as much as a savage is a happier state of life than a slave at the oar."

*Arbiter.* And it leads to war under the plausible pretext of securing you against it. But now that we have got somewhat away from the subject of duelling I think I ought to call "time," that we may complete the day's programme.

## II.

### A DISCUSSION ON CRUELTY.

*Arbiter.* We have heard much of the cruelties and barbarities that arise in the course of public and private wars, but nothing has been said yet of the atrocity displayed by civil authorities in time of peace. Had I been able to spare a day for the purpose, I should have set one of my nephews to work upon the natural history of cruelty in time of peace as well as of war. As it is, we must be content with a short and fragmentary discussion. I hope, Reginald, you will not think me an offender against the rule of relevancy.

*Case.* Oh dear no. We have given you the title of Arbiter; and if an arbiter is not arbitrary what is the use of him? Besides, I'm entirely with your

ruling in this particular case, and indeed I am armed with some contributions. It seems to me that the history and theory of capital punishment and torture are closely related to the history and theory of war.

*Clarke.* Agreed; and we have already seen how impossible it is to talk of war at any length without mentioning such institutions as duelling, slavery, piracy, brigandage, and robbery. All of these have a war flavour though they occur in peace.

*Arbiter.* Well I'm glad my decision is approved; for the most arbitrary of tyrants cannot force men to talk against their will. Now that I see some of you are well provided with ammunition, I will fire my shot first; and my shot is this general proposition, that the world has found and will find it far easier to civilise and humanise peace than war.

*Case.* As it is easier to establish order than discipline, and as civil justice is more satisfactory than martial law.

*Seymour.* But did I not prove yesterday that military discipline and the usages of war have vastly improved?

*Arbiter.* Yes, I think you did. But there is no getting over the fact that contempt for human life and suffering is the natural attendant of war. Wars are less numerous, thank God. That is the great thing. They have also, I think with you, lost some of their old atrocity. Much as I admire his work, I do dissent from the desponding conclusion of Mr. Farrer, who maintains that the laws of war merely fluctuate from age to age and show no real improvement. Still more decided I take it is our disagreement with his prediction that "the wars of the twentieth



century may be expected to exceed in barbarity anything of which we have any conception.”<sup>1</sup>

At the same time one is bound to admit that Mr. Farrer has produced a terrible list of modern atrocities, and a list that has unfortunately been swollen year by year since his book was published, especially by that peculiarly barbarous type of warfare which civilised powers wage against tribes of inferior civilisation. When I contemplate such modern heroes as Gordon, and Kitchener, and Roberts, I find them in alliance with slave dealers or Mandarins, or cutting down fruit trees, burning farms, concentrating women and children, protecting military trains with prisoners, bribing other prisoners to fight against their fellow-countrymen. These are performances which seem to take us back to the bad old times. What a terrible tale will the recording angel have to note against England and Germany in South Africa, against France in Madagascar and Tonquin, against the United States in the Philippines, against Spain in Cuba, against the Dutch in the East Indies, against the Belgians in the Congo State. On the credit side we have to set the good administrative record of England in India, and of France in Algeria. But the most splendid achievement of all is the regeneration of Egypt under the auspices of Lord Cromer.

But to return. Whatever doubts may be felt as to the improvements in the customs and usages of war, the pessimist cannot deny that the world in time of peace is more humanely governed than ever before. Three centuries ago perhaps it might have been argued that the civil authorities and rulers were inflicting

<sup>1</sup> Mr. J. A. Farrer in *Military Manners and Customs* (1885).

quite as much cruelty on the peoples once under Roman sway as did the government of Imperial Rome in the first century of the Christian era. But at this moment the provinces of Asia Minor and Thrace are probably the only ones that can be said to have deteriorated. In one respect, and only one, can I see an alteration for the worse. The military establishments of the world are certainly larger and costlier, if not more burdensome, than ever before, and the system of conscription is an additional oppression against which I hope you younger men may ere long see a general revolt. But it is because we ought not to be unduly depressed by these evils, enormous as they are, that I wish you to cast your eyes on the humanitarian movement that is leading society to set a higher and higher value on life, and to devote more and more attention to the removal and alleviation of suffering. You must all contribute something to the common stock ; for I have not called upon any one for a paper. Tell us then, my dear William, what history has to say about it.

*Browne.* So far as England is concerned the humanitarian movement has been skilfully traced by the sympathetic pen of Sir Spencer Walpole. But so far as I am aware we have in English no really adequate account of the wonderful change that came over the laws and usages of Europe in the eighteenth and nineteenth centuries. At the beginning of that time torture was still a recognised method of examining suspected persons in almost every civilised country. Prisons were loathsome and disorderly dens of vice and disease. There was no provision for lunatics. Convicted criminals were often racked and mutilated

in the most frightful way before being put to death. Burning alive was still the proper penalty for various offences, some of which are no longer regarded as offences at all. Scarcely any attempt was made anywhere to train the children of the poor. Women, in accordance with what was believed to be the Christian dispensation, were mostly kept in a state of subjection. In the eye of law as well as of custom obedience was the principal duty of women; obscurity was their fame; cleverness was tolerable, but if they displayed knowledge they were regarded with suspicion. By the writers of the seventeenth century nothing lovelier could be found in a woman than to study household good, and to promote good works in her husband. Wordsworth's ideal was very different :

“A perfect woman, nobly planned  
To warn, to comfort and command.”

But men too were almost everywhere enslaved. In most parts of Europe the agricultural labourers, who formed the majority of the population, were serfs; the slave trade was a recognised and important branch of commerce.

*Ego.* In 1760 Adam Smith told his class at Glasgow that “a small part of Western Europe was the only portion of the globe free from slavery”; nor did he think it was ever likely to be abolished in other parts of the world. It was not the spirit of Christianity, he explained, but quarrels between clergy and nobles, or king and nobles, that had led in one or two countries to the emancipation of the serfs.

*Truelove.* Adam Smith was prejudiced against religion by the intolerance of the Scottish Kirk. Let me remind you of one or two facts. First, to go back

to yesterday's discussion upon prisoners of war. In ancient times before Christianity they were regularly sold into slavery. We hear of prisoners being maimed by the Athenians, branded by the Samians, massacred by Roman Sulla, tortured by Carthaginian Hasdrubal, crucified by imperial Caesar, and burnt by German Arminius. In the last century, before the fall of the Western Empire, one of the principal uses of frontier wars in the eyes of Rome was to procure suitable captives for the gladiatorial games. At the end of the fourth century A.D. one of Reginald's stalwarts, a very worthy pagan Symmachus, at great expense, procured a band of Saxons from the shores of the Baltic in order that his son's praetorship might be made popular by manslaughter; and he was dreadfully disgusted when the surly Northmen preferred to die in their cells rather than for the public entertainment. Three years later these human sacrifices were stopped by the interposition of the Christian poet Prudentius, and the martyrdom of a heroic monk.

*Case.* But that was a century after Constantine succeeded to the imperial throne; and Constantine, you may remember, Christian as he was, had ordered captive chieftains of the Franks and Alemanni to be thrown into the arena to fight with wild beasts. Hence I am not altogether disposed to credit Christianity with the abolition of gladiatorial shows; though, perhaps, this claim is better founded than some that are advanced by churchmen.

*Truelove.* Cousin, you are incorrigible.

*Case.* No, I admit that Christianity, that is to say, the influence of Christ's teaching, has done much to alleviate and even to abolish slavery. I will admit



further that the gladiatorial shows were a fearful blot upon pagan Rome. That men and women in many ways highly civilised should for centuries have made human carnage their habitual amusement, and that scarcely a protest should have been raised by their moralists, is, as Lecky says, one of the most startling facts in moral history.

*Arbiter.* Let us do justice to all and be grateful to all who have worked for the emancipation of mankind, whatever their religious tenets,—to doubters like Voltaire or Smith, and to fervent Christians like Wilberforce or Buxton in England, and Channing in America.

*Ego.* In examining the causes of emancipation, we must not forget the discovery that slave labour is unprofitable.

*Meyer.* In the past great profits have been made out of slavery, and even now some hold that slave labour alone can regenerate South Africa. Otherwise, they say, Chinamen would not work for the good of society. But I don't see that the Chinamen have sent up the shares, and I tell my friends in the Kaffir Circus that slavery won't help "industrials." The Yankees are sharp fellows, and if slavery were any good in modern industries they would never have abolished it.

*Clarke.* No, believe me, you do them an injustice. That struggle against slavery in the States was a tremendous one. I have paid some attention to the abolitionist movement, and especially to Channing's writings, and I am inclined to think that, but for organised terrorism of the press by the slave owners and their friends, American slavery might have been extirpated without civil war.



*Arbiter.* A theme of great interest. Pray pursue it.

*Clarke.* I will read you my note.

In the thirties, when the movement against slavery began to be formidable, the abolitionists found great difficulty in placing their views before the public. "The fettered press" of the country refused to admit articles or letters against slavery; and the enslaving of the newspapers became a subject of almost as much moral interest as the enslaving of the negroes. "The newspaper press," wrote Channing to Birney in 1836, "is fettered among us by its dependence on subscribers, among whom there are not a few intolerant enough to withdraw their patronage, if an editor give publicity to articles which contradict their cherished opinions, or shock their party prejudices, or seem to clash with their interests." Moreover, there was considerable danger from the mob. Under such conditions, threatened with the loss of circulation and advertisements, the proprietors of newspapers could hardly be expected to afford support to an unfashionable and unpopular philanthropy. Yet the United States boasted itself the freest democracy in the world, and its laws gave complete freedom to the press. Where was the remedy? How were the opponents of slavery to get an opportunity of being heard by the public? Editors, it was pointed out, engage in their vocation like other men in order to earn a livelihood. Newspapers, like other concerns, have to earn profits; and communications which promise to ruin their circulation or destroy their advertising connection would of course be regarded with little favour. Perhaps, after all, the reproaches which are so freely thrown at journalists and newspaper proprietors for

their want of moral independence ought to be directed elsewhere ; for the root of the evil lies in the intolerance of the community. But wherever the blame rests, the evil cannot be disguised. Whenever a moral cause is unpopular, the newspaper press is apt to fail in one of its chief duties, which is to stem corrupt opinion and to stay the excesses of popular passion. "It generally swells, seldom arrests, the violence of the multitude. The very subjects on which the public mind may most need to be reformed are most likely to be excluded from its columns." One of the evils of the suppression of opinion is that violence ensues. It is far better that even wrong opinions should be freely ventilated and discussed than that they should be deprived of a hearing. But when right opinions are silenced and real grievances unpublished, the very foundations of democracy and liberty are endangered.

"This is true liberty, when freeborn men,

Having to advise the public, may speak free."

A free and independent press is the best security for peace, and order, and progress. Abolitionism would never have been forced (in self-defence) to organise itself into societies, if the subject of slavery could have been discussed in the common papers with the same freedom as other topics. "That abolitionism has owed not a little of its asperity to its having been proscribed from the beginning, and to its having been denied the common modes of addressing the public mind," did not in Channing's judgment admit of a doubt. It is therefore possible, if not probable, that, had the discussion of slavery been allowed to proceed freely, and public sentiment been allowed to grow and develop naturally, the evil might have been

eradicated without the horrors of a bloody and desolating war. But however that may be, the following words from Channing upon journalism and the value of the press ought to be pondered :

“I cannot easily conceive of a greater good to a city than the establishment of a newspaper by men of superior ability and moral independence, who should judge all parties and public measures by the standard of the Christian law, who should uncompromisingly speak the truth and adhere to the right, who should make it their steady aim to form a just and lofty public sentiment, and who should at the same time give to upright and honourable men an opportunity of making known their opinions on matters of general interest, however opposed to the opinions and passions of the day. In the present stage of society, when newspapers form the reading of all classes, and the chief reading of multitudes, the importance of the daily press cannot be overrated. It is one of the mightiest instruments at work among us. It may, and should, take rank among the most efficient means of social order and improvement. It is a power which should be wielded by the best minds in the community. The office of editor is one of the most solemn responsibility, and the community should encourage the most gifted and virtuous men to assume it, by liberally recompensing their labour, and by according to them that freedom of thought and speech without which no mind puts forth all its vigour, and which the highest minds rank among their dearest rights and blessings.”

*Arbiter.* Thank you, my dear Clarke. That topic has often been in my mind. I remember once hearing John Stuart Mill enlarging upon the value of such a press as an almost essential condition of successful democracy. He thought that an impartial and thoroughly independent organ, hospitable to new ideas, ably, wisely, and fairly conducted, would be an inestimable boon to the nation. And without a humane press how could we hope for a rapid improvement of tone and temper in regard to cruelty,

whether to men, women, children, or the poor dumb animals?

Now please you must let the conversation take a fresh turn ; for the time is flying very fast ; and we must dive deeper to fathom the depths of inhumanity. The atrocity of whites to blacks is only a development of the cruelty of the strong to the weak. I want to hear something from Reginald about torture in Europe. When was it abolished ?

*Case.* I am glad you don't ask for its history ; that would be a long story. Enough that it was a regular instrument of examination in the Roman Law. It was never formally 'received' into England. But a learned English civilian, Woods, in his *New Institute of the Imperial or Civil Law* (1704), wrote about it at the beginning of the eighteenth century : "The rack is an engine on which the [supposed] criminal is laid, having his joints and bones distended ; sometimes applying hot plates of iron to his body and gnawing his flesh with hot pincers to extort a confession." Civilian apologists pretended that it was a usage devised out of tenderness for men's lives, because the Romans would not endure that anyone should *die* on the evidence of one witness, "and therefore contrived this method that innocence should appear by an obstinate denial or guilt by a plain confession." Ecclesiastical apologists affirmed that it was a tender mercy of God to purge men of the sin of falsehood.

In the year 1704 the rack though unlawful in England was still in use in all other civilised countries. Its principal purpose was to procure a confession of guilt



and to incriminate others. But it was also employed after conviction to procure confession. "If he is convicted by proof," writes Wood, "it is customary in France and almost everywhere beyond sea at this day to put the criminal upon the rack that he may own the crime, *for the reputation and justice of the proceedings and to take away the liberty of appeal.*" Perhaps, if we consider some of the rules of the rack and some of the arguments which were at that time being advanced for and against it, we may obtain a more vivid notion and a more accurate measure of the barbarity that prevailed in time of peace exactly two centuries ago. Let us take first some of the rules, and then the theories.

1. Nobles and persons of rank were not to be racked unless they were suspected of treason or some high crime.

2. Persons so old as to be impotent, women with child, and children under fourteen might not be put on the rack.

3. The rack ought not to be so severe as to cause loss of life or limb.

4. A person should not be tortured in this way more than once in twenty-four hours. If he is tortured three times, three times confesses, and three times recants his confession, he ought to be absolved.

"After all," observed Wood, "it is very much debated whether rack or torture is lawful (as it is now used) according to laws of equity and reason." Defenders of the practice urged :

- 1st. Though no one ought to be condemned without proof, yet if one is justly suspected he ought not to be discharged.



2nd. It keeps wicked men in awe.

3rd. St. Paul was ordered to be scourged by the chief captain and examined, and he did not complain that that sort of punishment was unjust, but insisted only that he was a Roman.

On the other hand, it was objected against the rack :

1st. It is contrary to natural equity to punish any man before he is found guilty.

2nd. The torture does not directly tend to discover truth ; for men often confess falsely either against themselves that they may die and be rid of their misery, or against others that they themselves may be released ; others again treat the rack with contempt.

3rd. The executioner often determines the degree of torture according to what the person undergoing it can pay him.

4th. There is no proof of its lawfulness in Holy Writ. In the case referred to (Acts 22, 25), St. Paul would have acted imprudently in disputing the reasonableness of a law with the Captain, who was bound to execute the law, and had no power to repeal it.

Some took a middle course, holding that the rack might be used by Government in cases of treason ; the individual's rights must sometimes suffer for the public good.

*Clarke.* This is to me very interesting. I am surprised that Wood's *New Institute* should not have been noticed by Lecky ; for it shows that at the beginning of the eighteenth century questions were already being raised as to the legitimacy of torture.

*Case.* Precisely so. The Roman Church, deeply interested in torture as an indispensable weapon of the

inquisition, was being confronted with the question whether this element of the Roman law was compatible with a Christian civilisation. You see how the work of natural lawyers like Gentilis, Grotius, Selden, Zouch, and Puffendorf was already bearing fruit. The way was being paved for the success of Beccaria.

*Truelove.* Beccaria?

*Case.* Yes, indeed, cousin; Beccaria of Milan, who has done more than any other man to humanise and rationalise the theory of punishment. Can it be that a Balliol man with all his *literae humaniores* has not even a nodding acquaintance with *Dei Delitti e delle Pene*.<sup>1</sup>

*Truelove.* Thrasymachus blushes!

*Case.* And well he may; especially when he hears that Beccaria's book brought down the wrath of the Inquisition, then happily declining in power, and a Dominican Padre wrote a reply condemning Beccaria "as the enemy of Christianity, a bad philosopher, and a bad man." The Dominican argued that torture is a kind of mercy purging the criminal from the sin of falsehood by extorting the truth.

*Browne.* Never mind, Martin. The lawyers, at least in France, were no better than the ecclesiastics. Their opposition to Beccaria was as obstinate as that which the English Bar offered to Romilly.

*Case.* True; but both Bars were under ecclesiastical influence. Remember Paley. It was Paley who inspired Lord Ellenborough to resist the reform of our criminal laws. What I want to point out is how Beccaria, young and unknown, obtained

<sup>1</sup> Published in 1764.

so signal a triumph over the hardened prejudices of Europe. Such a triumph of reason over custom, and of theory over practice, is almost unparalleled. Within eighteen months six editions were printed in Italian, and within fifty years fifty distinct translations and editions are said to have appeared in Europe.

First of all, Beccaria noticed the following fact, that "countries where punishments have been most severe have always been those where the bloodiest and most inhuman deeds have been committed, the same spirit of ferocity guiding the hand of the legislator, the parricide, and the assassin." This observation suggested that there must be a point of ferocity at which punishment ceases to be a deterrent; and further, that some systems of punishment were merely barbarous and vindictive, instead of being framed upon principles of public utility. In his very first chapter, Beccaria declared that laws should be prized just in so far as they helped to distribute the greatest happiness among the greatest number. Beccaria's book was well timed; it certainly spread a more scientific view of punishment, and hastened the abolition of torture in civilised countries. It is a coincidence that this utilitarian theory of punishment appeared in 1764, the year Adam Smith began his *Wealth of Nations*. As the softening of manners prepared the world for the first, so did the extension of commerce prepare it for the second. At the time Beccaria wrote, torture had been discontinued in only three countries, England, Sweden, and Prussia. Whose blood does not curdle as he inspects the instruments which the inventive genius of Nuremberg devised for the torture of suspected or convicted criminals? Yet respectable burghers, three

or four centuries ago, regarded them as the panoply of justice.

In Lombardy, where Beccaria lived, torture was only applicable to capital crimes; but as the punishment of nearly all crimes was death, the application of torture was practically co-extensive with criminal law. There was torture to wring confession from prisoners who pleaded innocence, torture to force men to betray or invent the names of their accomplices—a mode by which governments often sought to implicate formidable opponents—and lastly, there was what was called the extraordinary or greater torture, which preceded execution. The criminal law of England at that time was equally savage in its indifference to life, and though it was free from the reproach of torture in the technical sense, we must remember that it was still customary to whip offenders against the law through the streets, to brand them, to duck them, and to place them in the pillory or the stocks for passers-by to pelt and insult.

*Browne.* Religious persecution has played a great part in the history of cruelty.

### III.

*Arbiter.* Reginald promised me something upon religious persecution.

*Case.* Yes; and I soon found the subject far too wide for me. But if you will let me follow humbly in the footsteps of Sir James Fitz-James Stephen, the excellent historian of our Criminal Law, I will give you briefly the story of religious persecution in England, so far as it was authorised by law. For

many centuries after the establishment of Christianity in Great Britain the temporal and spiritual authorities were in close alliance and union. The temporal authorities dealt with crimes; the spiritual authorities with sins. In Anglo-Saxon times the judges of both sat in the same courts and seem to have followed a similar procedure. At the Norman Conquest the civil and ecclesiastical jurisdictions were separated. The bishops judged in their own courts, and their decisions, in case of need, were enforced in the King's courts. But until the age of Wyckliffe<sup>1</sup> the criminal jurisdiction of the Church in England had little to do with heretical opinions, "for the simple reason that there were no heretics." Before the appearance of heresy the disciplinary jurisdiction of the Church was often inquisitorial, but seldom cruel; for "it affected neither life or limb, nor even property or personal liberty, except in a roundabout way through the agency of the law courts." This of course does not necessarily mean that the total amount of cruelty inflicted in England or in the civilised world was greater in the fifteenth and sixteenth centuries, in the age of religious persecution, than in the twelfth and thirteenth. The Reformation was a phase in the great moral and intellectual uprising. Like the conquest of Romanised Europe by the barbarians it was accompanied by cruelty; but we may be pretty sure that on the whole it brought positive relief to the poor and the downtrodden.

It was towards the end of the thirteenth century that the religious controversy between the Church and

<sup>1</sup> Wyckliffe was deprived of his living in 1377, and was denounced as a heretic by the Pope in the following year.



the Bible began. Heresy came to be viewed by the Church of Rome as a capital crime for which people were to be burnt alive, and measures were taken for the purpose of so burning them in all parts of Europe where the new religion raised its head. In England Parliamentary authority was required; and the Acts of Henry IV. and Henry V. gave the clergy the power of defining heresy just as they pleased. This state of things lasted for about 135 years, that is, from 1400 to 1535, and persons adjudged to be heretics continued to be burnt as such at intervals during this period.<sup>1</sup> In 1535 a check was put upon the Bishops by the Act of Henry VIII., which declared what should not be heresy, and though the Act of the Six Articles (1539), made the law again more severe, it did not make it nearly as severe as it had been throughout the fifteenth and the first part of the sixteenth century. Under Edward VI. all statutes relating to heresy were repealed, but two heretics were burnt at common law, one for denying the virgin birth, the other for denying the divinity of Christ. Mary revived the early statutes against the Lollards, and in her short reign about 300 persons were burnt for heresy. Under Elizabeth two (Anabaptists) were burnt for religious opinions, and two more were burnt as Arians in the reign of James I. Finally, after minor attempts at persecution, the writ *de heretico comburendo* was repealed in 1677 by an Act which also abolished "all punishment of death in pursuance of any ecclesiastical censures."

<sup>1</sup> There was also supposed to be a common law writ for the burning of heretics, "*de heretico comburendo*."

By subordinating the spiritual to the civil authority Henry the Eighth changed the character of persecution. Theological opinions became less important than outward conformity. The divine right of kings and the divine origin of episcopacy became the new causes of strife. It was from ecclesiastical and political rather than theological intolerance that the great events of the seventeenth century flowed, and for that reason the efforts of Grotius and others to reconcile Christians by discovering the greatest common measure of dogma, or Christian truth, were foredoomed to failure. In England, under the two first Stuarts, the ecclesiastical courts, stiffened and regulated by the Court of High Commission, sought to enforce uniformity of worship, "decency" and general orthodoxy by means so repulsive to the country that the courts themselves were abolished, bringing with them in their fall first the episcopacy, and then the monarchy. After the Restoration the old ecclesiastical courts, though formally restored, never regained their power, but the old difficulties sprang up in new shapes. What degrees of persecution were proper towards the different sects of dissenters? How should conformity with the established church be rewarded? Already, under the second Charles and James, our Government had abandoned the idea of punishing spiritual sins as such. The main questions, as Stephen says, were "first, whether conformity to the Established Church should be enforced on Protestants, and second, whether Roman Catholics should be allowed to regain what they had lost."

In these reigns, be it observed, the Established

Church of England not only retained, but greatly increased, the severity of the old laws against Non-conformity; but, thanks to the want of a High Commission and the weakness of the ecclesiastical jurisdiction, the new laws could not be enforced so oppressively as the old ones. It was the policy of our prelates to play off the fear and hatred entertained by Protestant dissenters for Rome, and by conservative Catholics for the republicanism of the radical Nonconformists. As soon as the Crown openly allied itself with Rome against the Anglican Church it collapsed before the united forces of Protestantism.

The Revolutions of 1688 produced a narrow and niggardly toleration of Protestant Dissenters, while Roman Catholics were treated as men who would be rebels if they dared, and were subjected to laws of almost ferocious cruelty. In this, as in so many other branches of the penal code, the very harshness of the law prevented its execution and made for toleration. After being practically repealed in 1791 and 1829, the legislation against the Roman Catholics in these realms was formally repealed in 1844 and 1846. The remark usually suggested by a study of religious persecution is that our ancestors walked in darkness, and that we have solved the problem which was too hard for them by recognising liberty of conscience as a principle of universal application which avoids all difficulty. This principle is rapidly spreading to all countries in the world, and is making it an assumption of daily life everywhere that no man has a right to dictate his own religion to another. What does liberty of conscience mean in politics?

It means that no religion is to be regarded by the legislature as truer than any other, and this again (in the opinion of some who still hanker after persecution, and of others who hanker after positive discouragement of superstition by the State) is a long step towards legislating on the principle that all existing religions are false.

*Truelove.* I was looking at that chapter of Stephen and came upon the following sentence, which I think you might have quoted: "If convinced unbelievers ever became a practical majority I think they would legislate against believers in a way hardly distinguishable from persecution."

*Case.* That is a mere personal expression of opinion. Stephen was a historian, not a prophet; but of course you are entitled to whatever his opinion of a hypothetical future may be worth.

*Truelove.* It may be worth something. But there is a more important comment if it comes to discussing the history of religious persecution and the evolution of intolerance.

*Case.* Pray what is that?

*Truelove.* I will give it in the late Bishop Creighton's words: "The great outbursts of persecution were not purely ecclesiastical. The Church lent her sanction to secular policy. The war against the Albigensians was for the strengthening of the French monarchy; the persecution in Bohemia was to uphold the German dominion over the Czechs; the Spanish Inquisition was established to supply the Spanish monarchy with the means of welding together a people with divers traditions."

*Case.* May I look at the book? Thank you.

Why, I declare Martin has left out a most important sentence. Talk about garbling ! What do you say to this : "The purely preventive substitution of punishment for argument was not designed really for the suppression of wrong opinion, but for the maintenance of an ecclesiastical organisation which was allowed to develop from above, but might never be criticised from below." A Daniel come to judgment, a most admirable Creighton !

It might be shown, I think, that the rationalism of the eighteenth century did more for humanity than seventeen centuries of religious zeal and fanaticism had been able to effect. In the thirty years that elapsed between the publication of his theories and his death Beccaria saw torture abolished in France, Austria, Russia, and Portugal. The laws of England were not greatly improved until the end of the Napoleonic wars ; and at the time when Beccaria held them up to the admiration of the Continent they only appeared to be reasonable and moderate by contrast. A few years later, when Blackstone wrote his famous commentaries, the English penalty for stealing a pocket-handkerchief was death. For the more serious crime of stealing a load of hay you only suffered transportation. But this inconsistency was more apparent than real. When George the Third pardoned seventeen female convicts in Newgate on condition of transportation, six elected to be hanged. In many countries capital punishment is now abandoned. In all civilised countries the principle has been acknowledged that whatever exceeds simple death is mere barbaric cruelty. When I say that torture did not exist here in the eighteenth



century, I must not conceal the horrible fact that women were liable to be burnt alive for certain offences until the end of the century. In 1721, and again in 1726, a woman was burnt for false coinage, and Lecky relates that in 1777 a girl of fourteen was sentenced to be burnt alive because some whitewashed farthings, meant to pass for sixpences, were found upon her. A reprieve came only just as the cart arrived to take her to the stake. It is only fair to add that in practice a woman was usually strangled before being burnt.

In some respects, as I have said, the Criminal Code of England was superior to that of other countries. Torture had never been acclimatised and regularised, nor did it survive the downfall of Charles the First. The rack was never authorised as an instrument of trial at common law in England. But there were "ordeals" of torture in Anglo-Saxon times. The *Ordalium* was a trial, says Selden, and was either by causing the accused to pass blindfold over nine red-hot ploughshares (as Queen Emma did) or by compelling the accused to take in his hand a red-hot coulter, which he carried so many steps and then cast away from him. The feet or hands were bound up after this fiery ordeal and certain charms were said. Then after a day or two the bandages were removed. If the wounds were healed the party was adjudged innocent, if not, guilty. In his *Table Talk* Selden says, "The rack is used nowhere as in England. In other countries it is used in judicature, when there is a *sempilena probatio*, a half proof against a man; then to see if they can make it full, they rack him if he will not

confess. But here in England they take a man and rack him, I do not know why, nor when; not in time of judicature, but when somebody bids." Yet many abominable cruelties continued to be practised. Prisoners refusing to plead might still be prompted by the thumb-screw, and if this failed, and the prisoner continued to "stand mute of malice" the remedy authorised by law was the *peine forte et dure*. As this horrible sentence was imposed in 1726, it may be as well to give the official prescription for "the strong and hard punishment" as it is set forth in Sir Matthew Hale's *History of the Pleas of the Crown*:

"That he be sent to the prison from whence he came, and put into a dark lower room, and there be laid naked upon the bare ground, upon his back; his legs and arms drawn and extended with cords to the four corners of the room, and upon his body laid as great weight of iron as he can bear, and more; and the first day he shall have three morsels of barley bread, without drink; the second day he shall have three draughts of water, of standing water next the door of the prison, without bread, and this to be his diet till he die."<sup>1</sup>

In the case of Major Strangeways, who refused to plead in 1658 and was sentenced to this punishment, it is recorded that the life was pressed out of him in eight or ten minutes, and that the bruised and mangled body was then exposed to the public gaze.

*Arbiter.* What a gigantic and apparently hopeless task confronted those heroic men, the utilitarians and humanitarians of the eighteenth century. They

<sup>1</sup> Hale's *Hist. of Pl. of Crown*, 219.

owed their success to the pertinacity and courage with which they applied the touchstone of utility to the institutions and constitutions, the usages and conventions of their age. Society had been accustomed to acquiesce in whatever had been established. It was now invited to undertake the work of self-examination.

*Clarke.* The pleasure which the people took in executions, pillories, and public whippings was one of the worst features of those times.

*Admiral.* Yes; it only seems a few years since criminals were regularly hanged in public, and it was considered quite as proper and interesting a spectacle as an ordinary music-hall performance now-a-days. Large sums were paid for windows overlooking the scaffold.

*Arbiter.* Very true. Why, it is only within our lifetime that the pillory has been abolished.

*Case.* It was the authorised punishment for perjury till 1837. Hanging was a public ceremony till 1868. Branding was not discontinued until towards the end of George the Third's reign. It was given up because it was found to be an incentive to crime; for a man who had been branded could never get employment, so he had to support himself by preying on society. As for cruelty to animals; cock-fighting, bull baiting and the bear garden were the amusements of the aristocracy in the seventeenth century, and remained very popular until towards the end of the eighteenth. Bentham was one of the first to protest against cruelty to animals; and this, the least utilitarian branch of the humanitarian movement, has made great strides in the last fifty years.

*Ego.* The mitigation of cruelty was no doubt made

easier by the growing wealth of society. One reason for maiming, branding, or hanging criminals was the cost of maintaining them in gaols. Similarly the increasing wealth of society has enabled it to improve the character of its prisons. They are now quite sanitary. Every prisoner has exercise, light and air, and enough plain food to keep his body healthy.

*Admiral.* Lunatic asylums are palatial institutions; and no expense is spared to make them among the most magnificent of our public buildings. To me the strange thing is that the liquor traffic, which causes most of the crime and lunacy, gets off so easily. The profits of drunkenness and inebriety go to the trade; it is the nation that has to support the criminal, the madman and the inebriate.

*Arbiter.* The more I hear the more am I struck by the disparity between peace progress and war progress during the last two or three centuries. A barbarous law, a vindictive punishment, a brutal custom, is now the exception in times of peace. Very few of our English sports are any longer cruel. Our most popular games are healthy and exciting, and I anticipate excellent results from their adoption in France, Germany, and other countries. German duelling, Spanish bull fighting, English coursing, otter-hunting, and fox-hunting are declining sports. But the horrors of war—though they change—can hardly be said to diminish. Is not war also a declining sport?

*Admiral.* Let us hope so; for neither religion nor law can humanise it. You cannot go to war in kid gloves or agree to fire into the air. We are more likely to succeed in extinguishing it than in refining it.

*Seymour.* But a real improvement of war has come from the substitution of lead and missiles for cold steel; the introduction of doctors, surgeons, and nurses and anaesthetics, has certainly alleviated suffering on the field of battle. Then again there is not the same passion and ferocity. The rifleman and the artilleryman cannot feel as the pikeman and the knight felt at close quarters. Yet I agree that for sheer horror nothing in ancient times could equal the effect of a well-placed shell falling into the middle of a company. In a moment there is a heap of mangled men. Lastly, though we are not likely to see another sack of Magdeburg, the slaughter of women and children in cold blood, yet in every war women and children are killed and wounded by mistake. At the present moment one of the hospitals at Liao Yang contains three hundred *wounded* women and children.

*Thus ended Wednesday's discussion.*



## THE FOURTH DAY. THURSDAY.

### PERPETUAL PEACE, OR THE FEDERATION OF THE WORLD.

*When the Council met on Thursday morning the Arbiter called upon Clarke, who opened a large note book and began to read as follows:—*

#### I.

A DUTCH innkeeper with a classical and satirical turn, whose house adjoined a churchyard, once inscribed on his signboard *PAX PERPETUA*, “perpetual peace,” as if to declare that war is the lot of the living, peace the hope only of the dead or the drunk. Leibnitz called to mind this dismal lure to tipplers in a moment of depression, when he was pondering over the Abbé de St. Pierre’s *Project of Perpetual Peace*, and said he thought peace could only be found in a cemetery, “for the dead fight no more; but the living are of another humour, and their mightiest men have small respect for tribunals.”

Perpetual peace is not yet within our grasp; but we are moving towards it. Perpetual war has been left far behind, and the world is more inclined to listen respectfully to the dreams of the peacemaker than ever it was before. The political machinery of peace has two parts, federation and arbitration. Federation is my province, arbitration is assigned to Case; and though his remedy now-a-days is more popular, let me observe that most of the good and

wise men who have speculated on this mighty theme, seem to have built their hopes of a permanent peace more on political union and federation than on such a progress of reason, law, and virtue among isolated and unconnected States as would ensure their submitting every dispute to neutral arbitrators.

*The mighty ones of the earth have small respect for tribunals.* In that depressing statement of fact we find the key to a whole series of political speculations from Dante to Rousseau and Turgot and Kant. It would be quite wrong to argue that all this divine seed was vainly cast upon rocky ground because it did not at the moment bring forth an hundredfold. Nay, the older federal idea of union between cities and states for mutual defence and support has done far more than the comparatively modern idea of arbitration to protect the tender plants of civilisation from the ruthless hand of violence. Would it be easy to overestimate the services rendered by the Hanseatic League to the progress of the arts and commerce? Did not federation establish and fortify the political and religious independence of Switzerland and Holland against the attacks of many powerful enemies? Has not the same idea made great and prosperous the vast tracts and diversified populations of the United States? Was not Germany perpetually plagued by civil wars and discords, in spite of the Holy Roman Emperor, until peace and security were at length afforded it by the Bund?

*Browne.* No doubt that idea of establishing peace in Germany was one of the inspirations of the Holy Roman Empire; and from time to time it found expression. But you would find it difficult to date

the complete realisation of the project from the death of the Empire. In fact all risk of hostilities between the German States was not eliminated until after the war of 1866, which extruded Austria and made Prussia the predominant state in the German Confederacy.

*Clarke.* True ; but nevertheless in the history of the pacification of Germany it would be difficult to overrate the importance of the Act of 1815, constituting the Bund, or Federal Union ; by which the members of the Confederation bound themselves (Article 11) "under no pretext to make war upon one another, or to pursue their differences by force of arms, but to submit them to the Diet." Better words, as Charles Sumner once said, could not be found to constitute the United States of Europe, and so to inaugurate a new system of European politics. Then would every sovereign state of Europe, as did once each sovereign state of Germany, deliberately surrender the cherished right of war, and agree to settle disputes by machinery worthy of a rational and enlightened civilisation. This machinery is partly federal and partly arbitral ; you may have one without the other ; but some sort of federal scheme involving the election of representatives to control common concerns and solve international difficulties is almost certain to be the precursor, the concomitant, or the sequel of international tribunals.

In ancient and mediaeval times, though we must not forget the Amphictyonic Council, the Achaean League, and the Hanseatic League, the difficulties in the way of extensive political unions were enormous. Even the ancient Greeks, who carried the theory and practice of democratic government so far, were only

partially successful in their federal unions. Rome never was hospitable to representative and federal ideas. She extinguished states by incorporating individuals. She offered peace, order, law and culture to the rude tribes beyond her frontiers as the reward of submission. She obliterated jurisdictions and sovereignties by giving civil rights in exchange for political independence. If she had trained and pruned instead of extirpating the national spirit, if she could have adopted a representative system of government, there need have been no decline and fall. Europe would have had a diversified and vigorous instead of a monotonous and decadent unity, a live commonwealth of nations instead of a mechanical Empire. Like the Indian Empire the Roman Empire was soulless. Each of its portions had been shorn of the vivid sense of nationality, and it is hard to say whether the loss of barbarism compensated it for the loss of patriotism.

*Meyer.* But surely there was an imperial patriotism far finer than those small local patriotisms. Think what the Kaiser Idee——

*Clarke.* And the Censorship and the Zollverein——

*Meyer.* Are to Modern Germany. And does not the poorest Indian rejoice in the thought that he is in the British Empire?

*Case.* There was a sort of pseudo-sentiment called in Silver—no, I beg pardon of Quintilian—in Copper or Nickel Latin—"Romania." A thin veneer, it served to cover up and decorate a slavery that was none the less squalid because it was systematic and universal.

*Truelove.* You are rather hard on "Romania." A gifted scholar of my Church calls it "a proud and elevated patriotism uniting Briton, Gaul, Spaniard and

African by a tie as strong as that of blood, and teaching them to look on the eternal city no longer as their tyrant but as the great mother whose stones were their own."

*Meyer.* That is the true imperialism.

*Clarke.* Read Burke and visit India.

*Case.* Take a dose of Gibbon and Dill. Yet I could almost pardon "Romania." It represented or seemed to represent the sole hope and stay of culture and civilisation in the West, and it gave us, after Stilicho's victory, that magnificent line of Claudian :

"Discite vesanae Romam non spernere gentes."

And to the select few, the great proprietors and slave owners, who escaped the ever-increasing burdens of imperial administration, "Romania" was associated with a proud tradition. In their trim gardens and luxurious palaces, linked by imperial roads and an imperial post, those untaxed Roman mandarins, secure in their immunities, untainted by any form of public activity, practised "Romania" with urbanity.

*Meyer.* Do you mean to say that they combined imperialism with profit? And if so, why not? A virtue is none the worse for being remunerative.

*Ego.* And, as it were, self-supporting.

*Case.* Oh no; the typical Roman grandee of the third and fourth century was not a usurer like Brutus or Seneca. He was content, I say, to escape taxes, to evade public duties and to practise urbanity. By urbanity was meant, if one may quote Quintilian's famous definition, "a certain peculiar flavour of the city, a quiet air of culture,<sup>1</sup> sprung from intercourse

<sup>1</sup> *Tacita eruditio*, an easy companionable sort of learning.



with cultivated people." The character of the grandee is relieved by urbanity; but was the flower worth the cost of cultivation? What can one say for a form of European Government which ground down millions in order to nourish such men as Symmachus and Sidonius Apollinaris. No; I have little patience with the cult of empire. Self-government is not merely better than good government; it alone is good government.

*Clarke.* My rôle is that of peacemaker. For peace you require either universal empire or a universal treaty (*foedus*). Federation would combine the material advantages of Empire with the spiritual advantages of small States. I share all your antipathy for empire. I agree that it destroys most of the public virtues which can be counted on where men govern themselves. But it does guarantee peace and law to vast areas and populations that might otherwise be given over to war and anarchy. Ten long centuries elapsed before a divided Europe, which had to settle all its disputes and frontiers by the sword, could recover anything like the general level of culture, learning, and artistic craft it had possessed at the end of the fourth century A.D. It is difficult indeed to decide whether, under the customs of war, civilisation has prospered best in small States or in large. A little learning certainly revived with Empire under Charlemagne; and upon the whole it must be owned that for centuries the petty sovereigns of Europe were the great obstructors of progress. But then, on the other hand, arts and crafts and, in some cases learning, made the swiftest strides in the City Republics of Italy and in the privileged towns of Germany and

France. Holland is an interesting case. The towns of the Low Country grew up and flourished under the protecting aegis of Spanish power. When Spain began to oppress and persecute, Holland used her wealth to win independence. But it was by federation and union that the Dutch towns and provinces secured their liberty and extended their trade and commerce. It was by federal union that the towns of the Rhine and the Hansa flourished and introduced a leaven of trade into the lump of feudalism. But wars over and over again destroyed what peace had created. Italy was ruined in the fifteenth century, France in the sixteenth, Germany in the seventeenth. In our time the example of union set by Switzerland and Holland, followed by the United States, has freed Italy and Germany from civil war. It is said, of course, that nations have been formed by force, that William the Conqueror *made* England, that a long line of fighting kings *made* France, that Moltke *made* Germany, Garibaldi Italy, that Washington's victories forged the great American Republic, and so on. We need not dispute about words. This is certain. The only wars that have made nations and created powerful and homogeneous States are those which have made peace and given scope to arts, manufactures, commerce, letters, learning—to all the things that bind people together and render them happy, strong, and prosperous. Union is strength.

*Case.* “Concordiâ res minimae crescunt, discordiâ maximae labuntur.”<sup>1</sup>

*Clarke.* Leagues and federations may be based upon

<sup>1</sup> By concord the weakest things grow strong, by discord the strongest totter.

interest or sentiment. It is obviously easier for States of the same race and language to enter into political association ; but we must remember that Switzerland provides an example of an enduring political union between French, German, and Italian cantons. Again, the Hanseatic League was not national but commercial. It proves conclusively that community of interest can unite very distant societies. If Switzerland shows that when natural enemies live together they may become lasting friends, the Hansa shows how, even in an age when communication was slow, difficult, and dangerous, Cologne and Frankfurt could work for generations in political concert and commercial concord with Stralsund and Wisby.

But commerce and self-preservation are not the only incentives to European union. In the ancient world empire despotically acquired and despotically held seemed to afford the only prospect and guarantee of peace over a wide area. But the diffusion in the East of Greek language and culture, and of Latin in the West, the conquest of both East and West by the same Roman Law and the same Christian Church afforded new material for political action and political speculation. When Europe began to settle down and to recover arts, and laws, and learning, she received first through Spain from the Arabs, then through Constantinople from the Greeks themselves, the priceless treasures of Greece ; and in the glorious Renaissance the peoples of Europe learned that art and learning, natural science, religion, jurisprudence, and mechanical invention are no less impatient than commerce of national and political barriers. When printing made all ideas and all knowledge accessible to all, the progress of

society from a state of war to a state of peace was assured. Nations may be unconscious of the invisible ties that draw them together. We accept as a matter of course this wonderful community of thought amid this equally wonderful diversity of language. That every great book is translated into every important tongue, that Shakespeare's plays are produced in every considerable city of Europe and America, that the operas of Wagner are performed in every opera house, that the news of the world is conveyed by electric current to every important centre of population within a few hours, that a journey of a thousand miles is performed with more rapidity, certainty, safety, comfort, and convenience than a journey of a hundred miles two centuries ago—these are visible signs. It is but a proof of the narrowness of our minds and the poverty of our imaginations that we do not see in them more clearly the heralds of an approaching unification, the sure presages of a not far distant and a perpetual peace.

International conferences, councils, congresses, conventions, and laws are becoming more and more frequent, more and more necessary, more and more fruitful in their consequences. They are the inevitable result of all these predisposing causes. What the Christian Church alone could attempt in the centuries that divided the fall of the Roman Empire from the Reformation has since been brought about by a thousand different agencies. The great councils of the Church were styled ecumenical, because they claimed to represent the whole civilised world. Voltaire called them the Senate of Europe. Composed of representatives from every Christian nation, they

awoke visions of a European Republic. Not only spiritual dignitaries of the Church, but sovereigns and princes in their own persons, or by their representatives, took part in these assemblies. "All intimately connected together, instructed in one another's customs, obeying one common law, and in some measure governed by one common interest," they appeared to historians of European law and diplomacy almost to deserve the appellation sometimes bestowed upon them of a Republic of States. And so they would have been if that excellent Radical, Marsilio of Padua,<sup>1</sup> could have had his way. Far be it from me to depreciate these examples or to question their significance. They were foreshadowings of mightier things. But let us beware of thinking that Europe is now less united than it was then. After all, the councils were composed mainly of ecclesiastics, and their business was primarily ecclesiastical, including the definition and extermination of heresy and the defence of the faithful against the infidel. Take, as perhaps the most ecumenical of these assemblages, the two Councils of Lyons, which have been hailed as examples or patterns of a perfect high court and parliament of Christendom. Lyons was chosen by Innocent the Fourth as a convenient centre. The principal subjects of debate at the first Council of Lyons were the reform of abuses in the Church and the defence of Constantinople against the Turk. Besides a host of ecclesiastics, the Emperors of the East and the West, and many of the kings and princes of Europe obeyed the Pope's

<sup>1</sup> He wrote his *Defensor Pacis* in 1324, three years after Dante's death. Marsilio would have converted the Church Councils into representative and democratic bodies.



summons, and appeared either in person or by their ambassadors. It was at this first Council (A.D. 1245) that the Pope pronounced the famous sentence of excommunication and dethronement against the Emperor Frederick. The second Council of Lyons was summoned thirty years after to deal with the general affairs of Europe, the relief of the Holy Land, and the union of the churches.

In those times the Roman Church was in the zenith of her power; and to a Christian visionary like Dante (no undervaluer of spiritual authority), whose birth fell between the two Councils of Lyons, the hope of mankind might well have seemed to lie in the Vicar of Christ and "those venerable chief councils with which no faithful Christian doubts but that Christ was present."<sup>1</sup>

So much the more significant is it that the inspired prophet of the middle ages should have utterly rejected the pretensions of the Church to temporal authority. The papal faction argued that as Pope Hadrian (in 773 A.D.) summoned Charlemagne to his assistance, and afterwards invested him with imperial dignity, therefore the Empire must be dependent on the Church. To which Dante replied, it might be proved in the same way that the Church was dependent on the Empire; for had not Otto (964 A.D.) deposed Benedict V. and restored Leo VIII.? Two goals, said he, have been set by divine providence for man to aim at—the one, the blessedness of this life, which is prefigured in the earthly paradise, and consists in the exercise by all of their natural powers under the shadow of a universal Empire of

<sup>1</sup> Dante's *De Monarchia*, Book iii., 3.

peace and justice, the other the blessedness of the life eternal, which is realised by our illumined powers in the heavenly paradise. As man has a two-fold end, he needs two guides. One is the supreme pontiff to lead mankind to eternal life, according to revelation. The other is the Emperor to guide mankind to happiness in this world, according to the teaching of philosophy. "And since none, or but a few only, and even they with sore difficulty, could arrive at this harbour of happiness, unless the waves and blandishments of human desires were set at rest, and the human race were free to live in peace and quiet, this therefore is the mark at which he who is to care for the world, and whom we call the Roman Prince, must most chiefly aim: I mean, that in this little plot of earth belonging to mortal man, life may pass in freedom, and with peace."<sup>1</sup> Dante pictured to himself the principate of Augustus as the nearest approach ever made to this ideal government of the world. The prince, monarch, or emperor was not to be an absolute ruler. Kings and Consuls, he says, are the servants of the citizens in each state, and the supreme monarch who rules the world "must without doubt be held the servant of all."<sup>2</sup> Again, he would alter the old Roman Empire by adopting the principle afterwards developed with so much wisdom and ingenuity by Montesquieu, that different "climates" need different institutions. The Scythians need one rule and the Garamantes another. "Nations and kingdoms and states have each of them certain

<sup>1</sup> See Dante's *De Monarchia*, Book iii., 16. Church's translation, pp. 126-7.

<sup>2</sup> *De Monarchia*, Book i., c. xii.

peculiarities, which must be regulated by different laws." When, therefore, we say that mankind should be ruled by one supreme prince, "our meaning is that in those matters only which are common to all men they should be ruled by one monarch, and be governed by a rule common to them all, with a view to their peace." Thus Dante foreshadows a federation of the world, a commonwealth of nations living together in freedom and peace under one princeps or president. They are to have just enough unity to ensure peace and concord, and not enough to impair freedom or to extinguish those differences of constitution and law which diversities of race and climate require.

## II.

From the death of Dante to the birth of Erasmus is a period of more than 150 years. Dante died in 1321. In the next century the torch of peace was passed from Italy to the Netherlands. "The good man of peace" was portrayed in those troublous times by Thomas à Kempis, called after his birthplace, Kemp, on the Yssel, in the diocese of Cologne. Dutch, therefore, was his native tongue, and he learnt Latin in the neighbouring town of Deventer, where a school for poor scholars had been founded by Gerard Groot. Deventer was one of the Hanse towns; but the author of the *Imitation* had no hope of peace on earth. His cloistered virtue never dreamed of a peaceful world. In this miserable life, he writes, our whole peace, "the perfection of joy," consists in humble endurance of suffering. "He that knoweth best how to suffer, will best keep himself in peace." Such was

the gentle hermit's protest. With it we may compare and contrast another monastic precept : *To let the world jog on as it pleases ; always to speak well of his reverence the Prior ; and to do one's duty in a middling way.*

Thomas à Kempis studied at Deventer in the last decade of the fourteenth century. He lived till 1471, and five years after his death Desiderius Erasmus of Rotterdam went as a boy of nine to the same excellent school, where he showed such prodigious ability and scholarship that his master predicted "he would one day prove the envy and wonder of all Germany." The prophecy was fulfilled. But it is Erasmus the philanthropist, the first great populariser of peace in modern Europe, whom I would celebrate. À Kempis represents the passive piety of a good monk, Erasmus the active piety of a good man. Seldom has the cause of peace found a readier, a more zealous, a more powerful pen ; for recollect that of all modern Latinists Erasmus is the most captivating. His fluency, his vigour, his descriptive power, his wide and easy learning, enriched by travel and observation, his diversity of topic and variety of treatment, won him European favour, and gave his books a circulation quite unparalleled. Of war and peace, writes one of his biographers, he often treated, and always with that vivacity, eloquence, and strength of reason which he applied to every subject.<sup>1</sup> Nay, Erasmus—I am quoting a criticism only ninety years old—"was

<sup>1</sup> As in his *Adagia* under the proverb *dulce bellum inexpertis*, in the *Querela Pacis*, and in his *Instruction of a Christian Prince*, addressed to the Emperor Charles V., who, however, was not diverted by the remonstrance of Erasmus from his warlike designs.

so singular in his opinions on this subject that he thought it hardly lawful for a Christian to go to war ;” and in this respect, as Jortin observes, “was almost a Quaker.” In the epistle to Volsius, written in 1518, and prefaced to the famous *Militis Christiani Enchiridion*, he lets fly many shafts of satire and persuasive argument against a war with the Turks which was then preparing. Suppose, he says, we conquer, and, failing to kill them all, compel the remnant to become Christians—to which school or sect shall we force them to adhere ? Suppose we make them nominalists, how can they settle it with the realists except by the arbitrament of the sword ? When the Turks see how we Christians love one another, when they see the cruelty, the brutality, and the rapacity of Western Europe, are they likely to fall in love with our religion ? “The most effective methods of vanquishing the Turks would be to let them see in our lives the light which Christ taught and expressed, to let them feel that we were not lusting for their dominions, nor thirsting for their gold, but seeking their salvation and Christ’s glory. That is the old true Christian faith, which once subdued the contempt of the philosophers, and grasped the unconquered sceptre of the Emperors. But if the Christian spirit is lacking, we are more likely to decline to their level than to draw them up to ours.” Moreover, Erasmus remarks, even if they won the doubtful hazards of war, the result would be to extend the realm, not of Christ, but of the Pope and his Cardinals. “For the kingdom of Christ only prospers where piety flourishes, and love, and peace, and chastity.” We must remember, he says, that the Turks are men with feelings



and reasoning faculties. We should have assailed them, at any rate in the first place, not with arms, but with arguments. But the Christian sentiment had been corrupted, the original purity of the faith had been lost, and for that reason Erasmus had forged "a little dagger" for Christian soldiers.

"The Plaint of Peace everywhere ejected and cast down" is an argument as compact and eloquent as I have ever read against war in general and particularly against war between Christians. The ancient Romans refused to allow that a war proper could be waged between Italians; a war in Italy they called a tumult. Erasmus carries the thought further. He compares the slaughter of Christians by Christians to parricide, and asks how Christians who are cutting one another's throats can charge the Turks with impiety. The heathen sacrifice to idols, but what victim could be more acceptable, what sacrifice more pleasing to them, than the slaughter of one Christian by another? By such steps this hardy pioneer leads up to the conclusion that, as between Christian princes at any rate, peace should be established and maintained, and private jealousies yield to the common interests of their subjects. Let public utility prevail.<sup>1</sup> But Erasmus was not content with general doctrine. To him as to Dante the desirability of peace should be the great motive of a scheme of European policy, and as Dante called for co-operation between Pope and Emperor so Erasmus addresses the thrones and dominations of his own day:

"All things dictate peace; first natural feeling and humanity itself; then Christ the ruler and author

<sup>1</sup> "Privatos affectus publica vincat utilitas."

of all human happiness ; and, thirdly, the multitude of advantages that peace affords, the multitude of calamities that war inflicts." To give an air of feasibility to his peace project Erasmus feigns—for I fear the wish was father to the thought—a unanimous desire for peace among Christian powers.

"The chief rulers themselves are inclined to peace, as though by a divine inspiration. See how the great peacemaker, gentle Leo, has given the signal inviting all to peace, acting the part of a true vicar of Christ. If ye are truly sheep follow your shepherd. If ye are sons listen to your father. Francis, in name and deed the Most Christian King of France, invokes you. Not ashamed is he to purchase peace ; for it is by the public advantage alone that he measures his royal dignity, teaching us that the true glory of kings is to deserve best of the human race. In the same strain speaks Prince Charles, a youth of unblemished talent and high renown. Nor does the Emperor Maximilian decline, nor Henry the famous King of England. Surely the rest may gladly follow the example of these great princes. As for the people, they for the most part detest war and pray for peace. A few only, whose impious weal depends on the public woe, are eager for war. Whether it is just that their wickedness should have more weight than the will of all honest folk it is for you to deliberate. Hitherto, as you see, no good has come of treaties : nothing has been promoted by marriages, nothing by violence, nothing by revenge. Try now whether danger may not be averted by a peaceful and beneficent spirit. War breeds war ; vengeance is repaid by vengeance. Let us now try the new policy of friendliness and goodwill. Our Lord Himself will give success to the pious plans that are adopted under his guidance and auspices."

Erasmus cherished a grand design for universal peace. As a Christian scholar and an heir of Latin civilisation, his foremost aim was to persuade the monarchs and princes of Western Europe to live in amity ; and he lost no opportunities of urging upon his influential friends and patrons, among whom he

numbered Pope Leo, Charles V., and Henry VIII. of England, the advantage of peace and the duty of preserving it in Christian Europe. Bishops and dignitaries of the Church were especially bound, he thought, to exert themselves to put down wars. "Oh tongue-tied divines," he cries, "oh dumb bishops, who gaze in silence on these plagues of humanity!" To his friend Antony of Bergen, the sympathetic and powerful Abbot of St. Bertin, he wrote from London in March 1514 one of the most telling of his pleas for peace. Preparations for war, he complained, were changing the character of England. A multiplicity of taxes was destroying liberality. Prices were rising. Foreign trade was dislocated. He himself had been nearly poisoned by some wretched home-made substitute for wine. But this is only the personal grievance of a familiar letter. What he asked himself and what he begged his friend to consider was the war plague—its meaning, its cause, and its cure. A tempest seemed to be arising in the Christian world. Could it not somehow by man's exertions and God's mercy be allayed? Would Antony use his influence with Maximilian and Prince Charles<sup>1</sup> to avert the catastrophe? The letter is a long one, but I must read it to you in a compressed form; for I am bent on establishing the right of Erasmus to a pedestal in the Temple of Peace.

"I often wonder what it can be that drives, I will not say Christians, but men, to such a pitch of madness that they will rush, at all costs, to destroy one another. Dumb animals do not all fight, but only wild beasts, and even they spare their own

<sup>1</sup> Afterwards Charles V.

species. And beasts are content with Nature's weapons ; men use machines and devilish contrivances to destroy one another. We Christians who glory in the name of a master who taught and practised nothing but gentleness, who are members of one body, and are one flesh, quickened by the same spirit, fed by the same sacraments, attached to the same Head, called to the same immortality, hoping for the same communion with Christ, can we allow anything in the world to provoke us to war, knowing it to be so calamitous and hateful a thing, even when it is most righteous, that no truly good man can approve it? Pray think who are employed in war. Cut-throats, gamblers, whoremongers, the meanest hireling soldiers, to whom a little gain is dearer than life,—these are your best warriors, and what they did in peace at their peril, they will be paid and applauded for doing in war. This scum of mankind must be welcomed and courted ; in fact you become their slave in your eagerness to be revenged on others."

Erasmus then recounted how many crimes are committed in the midst of arms when laws are silent ; how many acts of sacrilege, thefts, rapes, and other unspeakable atrocities ; and this moral contagion was bound to last for many years after the war. "And if you count the cost, you will see how, even if you conquer, you lose much more than you gain. What kingdom can you set against the lives and blood of so many thousand men?" Everyone shares in the blessings of peace. In war the non-combatants suffer most, then the beaten troops ; but even the conqueror weeps ; and it is followed by such a train of calamities, as justifies the fiction of poets, that War comes to us from Hell, and is sent by the Furies. It used to be thought more glorious to found than to overthrow states ; but now the people build cities, that the folly of princes might destroy them. 'But gain is our object.' Yes, but the happiest of wars has always brought more evil than

good to the combatants; and no sovereign can damage his enemy in war without first doing a heap of mischief to his own subjects. And are not human things always shifting and changing, like the ebb and flow of Euripus? What then is the use of making such exertions to build up an empire, which must presently pass to others? "But you will say, that the rights of sovereigns must be maintained. I only know this, that *summum jus*—extreme right, is often *summa injuria*—extreme wrong; there are princes who first decide what they want, and then find a legal cloak for their proceedings."

Suppose, however, a real dispute, to whom some sovereignty belonged, what call was there for bloodshed? Questions of dynasty do not touch a nation's welfare. There were Popes, Bishops, and wise men, by whom such small matters could be settled, without sowing confusion. It was the proper function of the Roman Pontiff, of Cardinals, Bishops, and Abbots to compose the quarrels of Christian Princes. Julius, a pope not universally admired, had power to raise a tempest of war. Had not Leo, a learned, honest, and pious pontiff, power to calm it?

"But suppose, you will say, the other side refuses to yield to the arbitrament of good men; in that case what would you have me do?"

"In the first place, if you are a true Christian, I would have you bear and forbear, disregarding that right of yours, whatever it may be.

"If the cost of asserting it by arms is excessive,—and it must be so—do not then insist upon a title, perhaps unfounded after all, that will cost so many lives and so many tears."



If there were rights that required the championship of the sword, then was Christianity already degenerate and burdened with the wealth of this world; "and I know not whether I should sanction such wars; though I see that war is sometimes not disapproved by pious authors, when it is undertaken to defend the faith and peace of Christendom against the invasion of barbarians." But why should we dwell on these few human authorities, rather than on those many sayings of Christ, of the Apostles, and of the orthodox and most approved Fathers on the subject of peace and the tolerance of evils. Could not excuses and pretexts be found for any policy, and could not every ruler count upon his crimes being praised by flatterers and his errors being passed over. The sighs and prayers of reasonable men were all for peace. War generally sprang from the private interests of princes. Was it consistent with humanity, that the peace of the world should be at any moment disturbed, because King This had some complaint against King That, or pretended that he had?

We might linger for hours in stimulating intercourse with Erasmus. But he has already had a double portion in this paper, and I can barely mention in conclusion a suggestion he makes in one of his *Colloquies*, the *Ichthuophagia*, that a general peace might be established in the Christian world if the Emperor and the Pope would make mutual concessions. But the progress of the Reformation made this impossible. A new Europe was arising which would be more inclined to listen to reason than to bow to authority.

## III.

Europe was improving certainly in the time of Erasmus; private war was being suppressed, law was extending, natural science was beginning, learning and the arts flourished; but the very progress of enlightenment, by exposing the abuses of Church and State, led to the terrible religious and civil warfare that spared no part of Western Europe in the century following his death. But the seed Erasmus had sown soon sprang up. In the first respite that France gained under the wise administration of Henry the Fourth and Sully we come upon a definite project for a federation of Europe. In the thirtieth book of Sully's memoirs<sup>1</sup> the great French minister describes *le grand dessein* of Henry the Fourth, a plan to secure and conserve the peace of Europe. He begins with a brief review of French history, undertaken to expose the faults of the French kings—the degenerate successors of Charlemagne.

“We may find a thousand things worthy to be admired in Philip Augustus, Saint Louis, Philip le Bel, Charles le Sage, Charles VII. and Louis XII. How pitiful that so many good or great qualities were not founded on other principles of policy. How dearly would one like to call them great kings, if only one could conceal the miserable condition of their subjects. In particular what might not have been said of Louis IX. Of the forty-four years of his reign, the first twenty present a spectacle not unworthy to be compared with the eleven last years of Henry the Great. But I much fear that all their glory is destroyed by the four-and-twenty years that succeeded; for what with the exorbitant taxes imposed to satisfy his pious zeal for an ill-judged

<sup>1</sup> First published at Paris in 1662. The earlier books were published early in 1634, it is said, seven years before Sully's death. *Économies royales* is the title Sully gave to his memoirs.

and ruinous crusade, the vast sums transported to far-away countries for the ransom of prisoners, the many thousands of citizens sacrificed, and the many illustrious houses extinguished, France was overwhelmed with general mourning and with a sense of universal calamity."

Statesmen, Sully added, ought long ago to have been convinced that the happiness of mankind can never arise from war. Alas, how few of the statesmen who preceded him, and even of those who succeeded him, have thought or cared much about the happiness of mankind !

Passing by the wars of Clovis, "because they seem to have been in some degree necessary to confirm the recent foundations of the monarchy," Sully took a rapid view of the period from the death of Clovis to the peace of Vervins, a period which might be called the Four Hundred Years' War. First, there were the wars in which the four sons of Clovis, the four sons of Clotaire the Second and their descendants, engaged without interruption for 160 years. Then from the commencement of the reign of Louis the Debonnaire the Kingdom was distracted and torn by another succession of wars lasting 172 years. The last period, part of which came within Sully's own lifetime, was still worse. "The slightest knowledge of our history," so runs his emphatic verdict, "is sufficient to convince any one that France had no real tranquillity from the reign of Henry VIII. to the peace of Vervins in 1598." Sully did not blame every king for every war during the whole of this period of nearly 400 years. "Several of these princes," he concedes, "were sometimes in such circumstances as rendered war just and even necessary."

But, taken as a whole, this incessant warfare, in spite of the glorious exploits that occasionally lit up the gloom, had caused nothing but desolation and impoverishment. Even in Sully's day the boundaries of Western Europe were pretty well defined. Weak as were the sentiments of nationality then compared with their modern strength it was already obvious that, however princes might think and act, it would require a concurrence of causes infinitely superior to the force of armies to change the form of Europe. An aggressor might cause blood to flow in torrents, but projects for augmenting any one of the great kingdoms at the expense of another would prove chimerical and impossible. France had not been allowed to forget that her territories were larger in the days of Charlemagne. Sully was far from regarding the diminution as a misfortune. It may generally be observed, he said, that in proportion to its extent a kingdom is the more subject to great evils. To maintain the existing boundaries of the Empire was the legacy of Augustus to his successor. Sully's prescription for the French Monarchy was the same. "Our tranquillity depends upon preserving the kingdom within its limit. Climates, laws, manners, languages unlike our own, chains of almost impassable mountains, are so many barriers and boundaries set by nature herself." Was not France rich and powerful? What more did she want? All that she really needed was a succession of good and wise kings who would employ their power in preserving the peace of Europe.

This brings me to the *grand dessein*. I propose to describe it as nearly as time will allow in the language of the memoirs.

“We now see,” writes the great minister, “the nature of the design which Henry IV. was on the point of putting in execution, when it pleased God to take him to himself, too soon by some years for the happiness of the world.” Led by the teachings of French and European history, Henry deliberately undertook a course of policy unlike anything that had hitherto been undertaken by crowned heads; and this it was that won him the title of Great. His *dessein* was not inspired by a mean and despicable ambition, nor guided by base and partial interests: to render France happy for ever was his desire; and because she could not perfectly enjoy this felicity, unless all Europe likewise partook of it, therefore he laboured for the general happiness of Europe, and prepared to lay foundations of such solidity and strength that nothing should afterwards be able to shake the fabric. His own cold, cautious, and unenterprising temper, Sully tells us, prevented him at first from seriously entertaining Henry’s idea of “a political system by which all Europe might be regulated and governed as one great family.” When the King first mentioned it the Minister thought it no more than a royal diversion; but when he recurred to the project Sully was first astonished and then alarmed; for he thought a design that presupposed a union of all the States of Europe would necessarily involve a terrible war and the ruin of all his own schemes for the restoration of French finances. He therefore earnestly represented to Henry the insurmountable obstacles that stood in the way of such a project; but in the end, after long arguments, it was Henry who convinced Sully first of



the desirability then of the feasibility of the *grand dessein*.

The means indeed at first seemed inadequate to the end in view, but Sully came to the conclusion that the project might be realised after a course of years, in which everything should as far as possible be made subservient to its execution. The "design" was not in its origin a "Project of Perpetual Peace." It had been formed by Henry at the time of his succession to the throne, when he saw that the humbling of the House of Austria was necessary to his security. A similar plan, with the same end in view, had also occurred to Queen Elizabeth. But the Queen was relieved of anxiety by the defeat of the Armada, and Henry was too much occupied with other distractions until after his marriage and the firm establishment of peace. Letters, however, upon the subject passed between him and Elizabeth, and in 1601 Sully crossed the Channel to consult the English Queen. He found her busily engaged upon the design, and sanguine of its ultimate success, notwithstanding all obstacles, religious and political.

Obviously the design would be opposed by one or two powerful and ambitious princes; but that, as Elizabeth pointed out, would rather promote its popularity in Europe. She was anxious that it should be accomplished if possible peacefully, armed force being at best but an odious necessity. Many suggestions and improvements were contributed to the project by the Queen, who showed in these discussions all the wisdom, penetration, and other perfections of her mind. Her death was a great misfortune; but new allies in Germany and Italy

were some compensation for the loss of Elizabeth. The Edict of Nantes was published, as a means towards a general system of religious toleration, and every other step taken to gain the confidence of the princes of Europe.

Affairs at home and abroad began to look favourable, and Henry, a little before his assassination, considered success infallible, though he could not find one person besides Sully to whom he could safely disclose the whole *dessein*. This statement has been seized upon by the critics. Sully, they say, was cleverly anticipating the incredulity of his readers, and trying to make a fiction plausible. It is quite possible that Sully, not the King, was the principal author of the *dessein*; but the higher criticisms which pretend to regard the whole narrative as an invention overlook not only a letter from Henry to Elizabeth about "the most excellent and rare enterprise," but the treaty of alliance "done at the Hague," October 31st, 1596, between Henry, Elizabeth, and the United Provinces,<sup>1</sup> and the following letter, written in 1608, by Villeroy, Henry's foreign Minister, to La Boderie, who was then French Ambassador at the Court of James I.:

"Nous sommes en train et avons de quoi faire des alliances en divers endroits; et je vous dirai, si les occasions qui s'offrent sont ménagées, comme

<sup>1</sup> The second article of this Treaty provided "that within the year 1597 there shall be a General Congress assembled and held by the deputies of the different confederates and other kings, princes, lords and States, who shall join in the aforesaid league, at such a day, time and place, as the said King of France and the said Lady, the Queen of England, shall think convenient."

elles peuvent être, que nous pouvons bâtir et rendre durable pour nos jours une paix universelle en la chrétienté. . . . Ce seroit certes un grand heur : il faudroit pour y arriver que les dits roys se contentassent de posséder ce qu'ils ont sans que l'un fût advantagé sur l'autre, et que les dites Provinces-Unies demeuraissent en liberté et en protection de tous. C'est chose faisable pour un tel bien. Vous direz que ce sont discours qui sont plus plausibles et vraisemblables que faisables, plus à désirer qu'à effectuer ou à espérer : toutefois je sais bien ce que je dis, et que je ne parle sans quelque fondement." <sup>1</sup>

As Villeroy was an enemy of Sully, these sentences strongly support his story against modern sceptics, and make havoc of an ingenious and elaborate theory of the German historian, Cornelius, who professes to think that the *dessein* was a hoax played off upon Sully by the King, who had meanwhile entrusted his real policy to Villeroy.

It was inevitable under the circumstances of Europe at the beginning of the seventeenth century that the *dessein* should comprise a religious policy. On Sully's religious map the Roman faith remained in complete possession of Italy and Spain. It had the predominance in France, and the Protestants only worshipped by sufferance under the Edicts. In England, Denmark, Sweden, the Low Countries, and Switzerland the position was reversed—the Reformed religion being predominant, the Roman at best barely tolerated.

<sup>1</sup> See *Lettres d'Henry IV. et de Messieurs de Villeroy et De Puisieux à Mr. Antoine le Fevre de la Boderie*, 1606-1611; Amsterdam edition, 1733, vol. i. p. 331. Villeroy's letter is dated, Paris, August 8, 1608.

In Poland and in some parts of Germany Catholics and Protestants were on an equality. In Russia the people were still in great part idolaters, and those who had embraced Christianity were Schismatics like the Greeks or Armenians, "with a thousand superstitious practices." "Besides," Sully adds, "Russia belongs to Asia quite as much as to Europe; and ought almost to be regarded as a barbarous country and classed with Turkey, though for five centuries it has been usual to include her among the Christian powers." The religious policy of the *dessein* was to accept the *status quo*, and to recognise that no amount of war or persecution could exterminate either the Roman, the Greek, or the Reformed faith. In Italy and Spain there would be no hardship in obliging all the inhabitants either to conform or emigrate. The same freedom should be allowed to French Calvinists, who thought the regulations too severe. No new restrictions need be introduced elsewhere, especially as the Protestants were far from wishing to force their religion upon others. For surrendering futile claims and chimerical pretensions the Pope would be amply compensated by the regal dignity and by the honour of acting henceforth as common mediator between all the Christian princes.<sup>1</sup>

One of the tasks of the federal union would be to expel the infidels from Europe. Should the Czar of Russia refuse to enter into the association he ought to be treated like the Sultan, deprived of his European territory and confined to Asia, "where he might as long as he pleased, without any interruption from us, continue the wars in which he is almost constantly

<sup>1</sup> Mediateur à tous les princes chrétiens.

engaged against the Turks and Persians." For these purposes, and for the common defence, the different associated princes and republics were to contribute quotas of troops according to their abilities, amounting in all to about 270,000 foot, 50,000 horse, 200 cannons, and 120 ships or gallies.<sup>1</sup>

Such an armament, approximating pretty nearly to the size of the military and naval forces of the Roman Empire in the first century, would appear, writes Sully, "so inconsiderable compared with the forces which the princes and states of Europe usually kept on foot to overawe their neighbours, or their own subjects, that if it had been necessary to maintain it constantly it would have occasioned no inconvenience." But as the enterprise for which it was designed was only temporary, it could have been diminished. It would, however, he admits, probably have been employed also to secure the northern coasts of Africa and some contiguous provinces of Asia. The principal part of the design in regard to Western Europe was to strip the House of Austria of all its possessions in Italy, Germany, and the Low Countries, confining

<sup>1</sup>The principal quotas were to have been as follows: (1) The Emperor and "circles" of Germany, 60,000 foot, 20,000 horse, and 10 gallies. (2-6) The Kings of France, Spain, England, Sweden, and Denmark, each 20,000 foot, 4000 horse, and 10 ships. (7) The Pope, 8000 foot, 1200 horse, and 10 gallies. (8) The Swiss Cantons, 15,000 foot and 5000 horse. (9) The Republic of Holland, 12,000 foot, 1200 horse, and 12 ships. (10) The Republic of Venice, 10,000 foot, 1200 horse, and 25 gallies. (11) The King of Hungary, 12,000 foot, 5000 horse, 6 ships. (12) The Italian Republics, 10,000 foot, 1200 horse, and 8 gallies. (13) The Duke of Savoy, 8000 foot, 1500 horse, 6 ships. (14) The King of Bohemia, 5000 foot and 1500 horse.



it to Spain and the Islands of Sardinia, Majorca, and Minorca. I need not enter into Sully's historical justification of this measure,<sup>1</sup> but I may repeat his remark that the definite surrender of its possessions in Italy and the Low Countries would prove a prodigious gain to the Spanish Monarchy; for all the treasures of the Indies had been insufficient to defray the cost of the war against freedom in the Netherlands.

Though she might maintain and even extend her empire in the new world, Spain was not to be allowed to establish a commercial monopoly. All the nations of Europe were to enjoy the right of trading freely with Asia, Africa, and America, "and this stipulation, which is of the greatest consequence, would have proved not a restriction upon the old privileges of the House of Austria, but a new and valuable addition to its prosperity." It was thus a part of the design to remove the causes of commercial wars as well as of wars for religion.

In the reconstitution of Europe the first and chiefest article was the restoration of the Empire, which, being withdrawn from the House of Austria, would again have become a dignity to which all princes, but particularly those of Germany, might legitimately aspire. The Emperor was to be declared the supreme magistrate of the whole Christian Republic. As the honour would only be conferred on the most worthy, his influence would increase, and especially his authority over the Helvetic and Belgic Republics. There would

<sup>1</sup> He admits its severity, but argues that the steps taken by Charles V. and his son Philip to obtain a universal monarchy made it both just and necessary.

be this restriction only upon the Electors, that their choice should never fall twice in succession upon the same family. The Austrian possessions of the House of Hapsburg were to be divided between Venice, Bavaria, Wurtemberg, Bohemia, Hungary, and some smaller states. Moravia and Silesia were to be joined to the elective kingdom of Bohemia, and the elective kingdom of Hungary was to be strengthened against the Turk by immediately adding to it the Archduchy of Austria, with Styria, Carinthia, and Carniola, and by afterwards incorporating in it whatever might be acquired in Transylvania, Bosnia, Sclavonia, and Croatia. The right of electing the King of Hungary was to be vested in the Pope, the Emperor, and the Kings of France, England, Denmark, Sweden, and Lombardy. The Pope was to be titular chief of the whole Italian Republic and secular prince of Southern Italy. The Duchy of Savoy was to be converted into the Kingdom of Lombardy. These were the principal dispositions contemplated. No additions were to be made to the Kingdom of France, though some subsidiary sovereignties, such as Artois, Hainault, Cambray, and Luxemburg, would probably have been constituted under Henry's suzerainty. The English views, we are told, were no less temperate than the French. The two royal authors of the *dessein*, Henry and Elizabeth, were equally averse from territorial aggrandisement. The Queen, in fact, in her conversations with Sully had let drop the remark that the British Isles, in all the different epochs of their history, whether united in one or divided into several monarchies, either elective or hereditary, whether under kingly or queenly rule, in all the variations

of their laws and police, "had never suffered any reverse or serious misfortune save when their sovereigns had wanted to go outside their own little continent."<sup>1</sup> Nevertheless, as a set-off to the new French Fiefs, some parts of Brabant and Flanders were to be placed under English princes or nobles. With these exceptions the seventeen United Provinces, including those still obedient to Spain, were to have been erected into a free and independent state with the title of the Belgic Republic. Thus civilised Europe would have been divided into fifteen powers in such a way that no one need envy or fear the possessions of its neighbours. There would have been six hereditary monarchies, five elective monarchies, and four sovereign republics—namely, the Venetian, the Italian or Ducal, the Swiss or Confederate, and the Belgic or Provincial Republic.

The laws and statutes proper to cement union and maintain the established harmony, the reciprocal oaths and engagements regarding religion and policy, the mutual assurances respecting freedom of commerce might have presented serious difficulties, had not the authors of the *dessein* devised for them a constitutional specific—the happy invention of a general council representing all the states of Europe. "This general council of Europe was modelled on that of the ancient Amphictyons of Greece. It was an Amphictyonic council adapted to fit the customs, climate, and politics of Europe. It consisted of a

<sup>1</sup>The French sounds like an echo of an Elizabethan sentence—it can hardly have been an invention: "N'avoient jamais éprouvé de revers ni de véritables malheurs, que lorsque leur souverains avoient voulu sortir de leur petit continent."

fixed number of commissioners, ministers, or plenipotentiaries from all the powers of the Christian Republic sitting as a permanent senate to deliberate on current affairs, to discuss divergent interests, to compose quarrels, to elucidate and determine all the civil, political, and religious affairs of Europe, whether internal or external."

The senate was to consist of about sixty-six delegates, of whom four would be appointed by each of the following authorities: the Emperor, the Pope, the Kings of France, Spain, England, Denmark, Sweden, Lombardy, and Poland, and the Republic of Venice. The other republics and lesser kingdoms would appoint two representatives apiece. The senate would be re-chosen every three years. Its place of meeting might be fixed or "ambulatory," but should be in one of the cities of central Europe—at Metz, for example, or Strasburg, or Basle, or Frankfurt. But there was an alternative plan, no doubt suggested by the difficulties of communication, for dividing the council into three parts—one to meet in the east at Cracow, another in the south at Trente, another in the west at Paris or Bourges. Smaller and subordinate councils, or sub-committees as we might call them, with delegated powers might also be convoked in different parts of Europe for local convenience. "But whatever the number and constitution of these subordinate councils, it would have been absolutely necessary to provide for their resort by appeal to the great council general, whose decisions, proceeding from the united authority of all the sovereigns, pronounced in a manner equally free and absolute, would have the force of final and irrevocable decrees."



Such is the *grand dessein* as it is unfolded in the last book of the French statesman's memoirs. I hope I have not tired your patience by the fulness of my description. But the bare analysis of it which one meets with in English writers does no justice to the magnificence of the original. As a gem loses half its brilliancy when taken from its setting, so the grand design no longer arrests the imagination if we tear it from its context. The attraction of a great thought, its splendour and its fascination, may vanish and disappear if it is dissected by the unimaginative surgery of science. I have already mentioned and repelled a suggestion that the whole design sprang from the brain of Sully, and that his history of it is a mere fiction devised to give it wider currency and authority. The only proof that has been alleged in support of this suspicion is the want of independent contemporary evidence for Sully's story. But apart from Villeroy's letter and the treaty I have quoted, we know from many sources that a large political scheme was in contemplation between Henry, Elizabeth, the States General, and some of the German and Italian potentates. That Sully has minimised his own share in the authorship is probable enough ; but why should we doubt that Henry devised a league for the humbling of the house of Austria, and that Sully, having adopted the idea and worked it out with estimates and details, crossed to England and discussed it with Elizabeth ? Was it from the Queen, whom he found so fruitful in suggestions, or from some one else in England, that he got the idea of the Representative Council or General Assembly of the Estates of Europe ? Or had the success of the



Dutch States General impressed him, as it afterwards impressed Penn, with the advantages of federation? The rise of the Dutch Republic may very probably have directed the attention of scholars to ancient examples of federations, and so Sully might easily have pitched upon the Amphietyons for his model. If we may assume that Sully touched up the *grand dessein* in the last years of his life, there is the further possibility that it owes something to Eméric de Crucé's *Nouveau Cynée*.

But whatever its origin or authorship, whether we look at its intrinsic merits or at the novelty and grandeur of its proposals, the *grand dessein* must be considered as the most comprehensive and attractive, if not the most influential and important, of all modern proposals for the reconstitution of society. Its merits can hardly be exaggerated. Had Henry lived, writes Sully, he would have convinced all his neighbours by his moderation that his whole purpose was first to save both himself and them those vast sums that were required to provide for so many thousands of soldiers, so many fortified places, and so many other military expenses; second, to deliver them for ever from the fear of the bloody catastrophes then so common in Europe by establishing a firm peace; in fine, to unite all Christian sovereigns by an indissoluble tie, so that they might henceforth live together as brothers, and visit one another like good neighbours, without the embarrassment of ceremony or the expense of a train of attendants, which, never more than an idle show, are often only the pretentious cloak of misery.

## IV.

THE "grand design" of Henry IV., Elizabeth, and Sully is the historical precedent of all modern schemes for the abolition of war by federation. It seemed to be in full train, with fair prospects of success, when the dagger of Ravallac cut short the life of Henry. How much of the plan had been divulged to the Chancelleries of Europe, is uncertain; but that Henry at the time of his death was forming a grand alliance to secure Europe against the House of Austria must have been widely known. The mere suspicion that such a design had been seriously entertained by the practical statescraft of Henry and Elizabeth gave strength and confidence to the speculative philanthropist. Amid the horrors of the Thirty Years' War, Hugo Grotius, exiled by the intolerance of religious and civil strife, issued from his French refuge a powerful plea for the establishment of European Congresses and for the adoption of arbitration as a substitute for war. His first object, indeed, was to humanise and regularise warfare by refining the laws and customs of international intercourse. But it was the high duty, he held, of Christians, sovereigns, and states not merely to improve warfare, but to improve it away: "maxime autem christiani reges et civitates tenentur hanc inire viam ad arma vitanda."<sup>1</sup>

Grotius published his masterpiece in 1625. A year before there had appeared under the name of

<sup>1</sup> "Most of all are Christian kings and states bound to enter upon this path for the avoidance of arms." *De Jure Belli ac Pacis*, ii., chap. 23, 11, 3.

Eméric Crucé a French book, the *Nouveau Cynée*, addressed to princes and conquerors, "whose wicked passions are the principal causes of war." The author, whose real name was Eméric de Lacroix, implores sovereigns not to abuse the "point of honour," and to beware of the warlike suggestions of their military advisers. The grandeur of a king does not depend upon the extension of his domain: war is more likely to ruin than to establish a reputation: honour is a thing to be detested, if it has to be bought by bloodshed. With these and the like arguments this obscure writer seeks to persuade Europe to adopt a remedy for her ills. He suggests that a permanent congress should be established on neutral territory, at Venice, for the adjudication of controversies between states. National distinctions were no ground for hatred, much less for war. "Why, because I am a Frenchman, should I wish evil to Englishmen or Spaniards? I cannot, when I consider that they are men like me." Religious warfare was equally hateful to the social reformer and philanthropist: "A little less of this theology which passes our understanding; a little more of medicine and of the arts that are useful to life." The establishment of peace would pave the way for reforming the laws and their administration, for simplifying taxes, for the relief of poverty, for the construction and improvement of roads and canals. Above all, he looked for free intercourse and trade between nations. Let the soldier who lived by pillage give place to the merchant who lived on the reciprocal advantages of commerce. It is a satisfaction to feel that this good man's happy

dream of the future has been in some measure fulfilled. "Quel plaisir," he cries, "serait-ce de voir les hommes aller de part et d'autre et communiquer ensemble, sans aucune scrupule de pays, comme si la terre était une cité commune à tous!"

*Truelove.* What fine thoughts and what striking phrases! And you say the writer is unknown?

*Clarke.* Quite, except as an author. The *Nouveau Cynée*, his principal work, was published in 1624. Unless, therefore, Crucé, or Lacroix, actually derived his plan from the *grand dessein*,<sup>1</sup> he must evidently be assigned the honour of precedency among the political philosophers, who have made constructive proposals for the establishment of perpetual and universal peace. A good Frenchman, a good European, a good citizen of the world. A dreamer, if you like; but his dreams were true visions. He was the first of the Rationalists and the first of the Utilitarians. He was the precursor of Penn and St. Pierre, and of Bentham, and of Kant. He did not expect that such a policy as his, though founded in good sense and good morals, would immediately be adopted. "I have wished," he wrote, in a peroration of sublime faith and simple grandeur, "to leave this witness to posterity": "S'il ne sert de rien, patience C'est peu de chose de perdre du papier et des paroles. Je protesterai en ce cas comme Solon d'avoir dit et fait ce qui m'a été possible pour le bien public." Patience was certainly required by friends of peace during the Thirty Years' War. But

<sup>1</sup> This is quite possible, for Eméric de Lacroix wrote a panegyric of Henry IV. In that case we may finally discard the suggestion that the *dessein* was an invention of Sully's old age.

de Crucé's paper was not wasted. It is hardly possible that his book should not have been read by Grotius, or by the anonymous Minister who a year afterwards published *Caton de Siècle*, a book full of pacific counsels addressed to the Chancellor of France.<sup>1</sup> Nor is it likely to have been missed by Sully, who dictated his account of the grand design some ten years later, and included in it, as we have noted, the idea of a tribunal to terminate controversies. Let us hope that De Crucé, happier than Grotius, lived to see the international conferences of Münster and Osnabruch, which put an end to the Thirty Years' War. Those early peace congresses, terminating in the great Peace of Westphalia, were a first step towards a more tranquil Europe. From that time diplomacy came to be used more and more to end wars or to prevent them. At Utrecht in 1713, at Paris in 1763, at Vienna in 1815, at Paris in 1857, and at Berlin in 1878, representatives of the European Powers met to treat for peace.

These congresses are a new stage in the march of civilisation. Had they not been held, or had they failed, the next step to a gathering, representative of the civilised world, meeting at Geneva, Brussels, or the Hague in time of peace, to discuss means of preventing war and mitigating its evils, could hardly have been taken. All honour to the projectors of the seventeenth and eighteenth centuries, whose ideas have slowly penetrated the council chambers of our sovereigns. How slow the progress was, how dull the intelligence of rulers seemed to men of understanding, comes home to us in reading what Voltaire

<sup>1</sup> D'Aligre.



wrote a century afterwards on Barbeyrac :<sup>1</sup> "It seems that these writings may serve to console the peoples for the evils which politics and war inflict. They give us an idea of justice, as a portrait may give us an idea of a famous person we have never seen."

The next great federalist was an Englishman, William Penn,——

*Case.* Forgive me for interrupting, but I must put in a word for a Spanish author. Thomas Campanella died in 1639; but his discourse upon the Spanish monarchy was only published in its complete form by Ludovicus Elzevir in 1653. That final edition contains an additional chapter entitled *Epilogus et Encomium Magni Imperii Romani*, which ends with these remarkable words :—"Tu Deus, salus et tutela rerum, da quod expedit; da si non imperio foedere coire ac jungi; da laetos et pacatos ad laeta et pacata loca tua venire." Surely it is very remarkable that an author, who seemed to have pinned his hopes of peace to a universal Spanish Empire, should admit that after all the true solution might be a federation of the world.

*Clarke.* You have indeed hit upon a most surprising confession; and you have shown that Campanella had a final glimpse of truth. Still, I repeat, the next great federalist was an Englishman. Penn wrote his essay in 1693, when the groaning state of Europe called for peace. He was at this time in retirement having been deprived of his government of Pennsylvania. Evidently he had been reading the last book of Sully's

<sup>1</sup> The learned translator and scholiast of Grotius, who did much to extend and popularise the knowledge of international law.

memoirs or some other account of the *grand dessein* ; for it was Henry's scheme, he tells us, together with the success of the Dutch Federation, that prompted him to undertake "an essay towards the present and future peace of Europe by the establishment of a European Dyet, Parliament, or Estates." Penn's essay was the child of a French project. It was not the first or the last time that an inspiring thought has crossed the channel and borne fruit in England.

According to some writers, men and their ideas, their speeches and their books, are merely the inevitable results of circumstances. "Things are what they are, and their consequences will be what they will be." I always prefer to regard great men and great projects and great thoughts as something more than products ground out at intervals by the mills of the world. A man of genius is a producer as well as a product : a man of action is a driver as well as a passenger. So William Penn, the first of Quaker statesmen, the daring colonist, the enterprising founder of Pennsylvania, the author of that humane treaty with the Indians, the champion of religious freedom, was no doubt a product of his age, his nation, and his sect. Born at another time or place and subjected to other influences, we can imagine him as a bold buccaneer, a devout recluse, or a crafty minister. As it is, he is a mixed character, and we have Macaulay's caricature to place beside Clarkson's portrait.

*Case.* Was not Clarkson himself a little bit addicted to romance ?

*Clarke.* No ; I think not. Sometimes, of course, he made mistakes. Some later researches in America

have corrected his story here and there. But Macaulay ought to have been warned by a dictum of Sir James Mackintosh,<sup>1</sup> who writes in a footnote to his review of the Causes of the Revolution: "Mr. Clarkson is among the few writers from whom I should venture to adopt a fact for which the original authority is not mentioned. By his own extraordinary services to mankind he has deserved to be the biographer of William Penn."

*Case.* Thank you; that testimony is quite enough for me. I only remembered that Mackintosh had made some deductions from Penn's excellencies which may have set Macaulay upon the path of depreciation. But I have forced you into a digression. Pray go on where you left off.

*Clarke.* I was speaking of the intimate connection between political speculation and political experiments. Speculators inspire statesmen, and the successful experiments of statesmen give confidence to future speculators. Penn was a practical statesman as well as a fervid visionary. As the proprietor and legislator of a province, which being almost uninhabited when it came into his possession afforded a clear field for moral experiments, he had—if I may cite Macaulay's reluctant testimony—"the rare good fortune of being able to carry his theories into practice without any compromise and yet without any shock to existing institutions." His own success as a constitution maker in a new country doubtless encouraged him to try his hand on the

<sup>1</sup> Macaulay entertained the utmost admiration for Mackintosh, and in fact borrowed from him the principal count in his indictment against Penn—a letter addressed to one 'Penne,' who was almost certainly another person.

ancient framework of Europe, but in his conclusion he is careful to associate his own project with Henry the Fourth's design and with the Dutch model: let me read you his words:

"I confess I have the passion to wish heartily that the honour of proposing and effecting so great and good a design might be owing to England, of all countries in Europe, as something of the nature of our expedient was, in design and preparation, to the wisdom, justice, and valour of Henry the Fourth of France, whose superior qualities raising his character above those of his ancestors or contemporaries deservedly gave him the stile of Henry the Great. For he was upon obliging the princes and estates of Europe to a Politick Ballance, when the Spanish faction for that reason contrived and accomplished his murder by the hands of Ravallac. . . . So that, to conclude, I have very little to answer for in all this affair; because if it succeed I have so little to deserve; for this great king's example tells us it is fit to be done; and Sir William Temple's history [of the United Provinces] shows us by a surprising instance that it may be done; and Europe by her incomparable miseries makes it now necessary to be done. That my share is only thinking of it at this juncture and putting it into common light for the peace and prosperity of Europe."

Penn's essay has never been reprinted since it appeared in the collected edition of his works.<sup>1</sup> Even Charles Sumner, who had a wonderful library of peace literature, including such a bibliographical curiosity as a copy of *The New Cineas*, only knew it from the reference in Clarkson's Life. For this reason, as well as for its intrinsic merits, not the least of which is its small compass, I shall ask you to follow Penn's proposals as carefully as those of Sully. You will, I think, enjoy not only the pithy wisdom of his argument against war, but the phraseology, sometimes quaint,

<sup>1</sup> See William Penn's *Collected Works*, 2 vols., folio. London: J. Sowle. 1726.

often happy, in which the evil and the remedy are presented. So direct and simple an appeal to the heart and to the understanding will go home to many who cannot be stirred by the voluminous and benevolent industry of the good Abbé de St. Pierre, or by the profound treatise in which the philosopher of Königsberg has succeeded, without quite relinquishing the dialect of the clouds, in bringing his heavenly thoughts to the earth.

At the outset Penn disclaims any intention of preaching a millenary doctrine. His design was a practical one, and of all reforms this was the most likely in his judgment to increase the happiness and prosperity of mankind. How was it that nations went to war when the miseries of war were so overwhelming and unmistakeable? The groaning state of Europe called for peace. In peace capital would accumulate and the rewards of industry increase. In war, "the rich draw in their stock; the poor turn soldiers, or thieves, or starve." The explanation seems to be that men are passionate, obstinate, slow to learn, and quick to forget the lessons of experience. It is a mark, Penn thought, of the corruption of our natures that we cannot taste the benefit of health without a bout of sickness or enjoy plenty without the instruction of want, "nor finally know the comfort of peace but by the smart and penance of the vices of war."

From the evils of war Penn passes in a second section to the means of peace. Peace can only be established and maintained by justice. "The advantage that justice has upon war is seen by the success of embassies, that so often prevent war by hearing



the pleas and memorials of justice in the hands and mouths of the wronged party." War on behalf of justice, *i.e.* where you have been wronged and redress has been refused upon complaint, is a remedy almost always worse than the disease, "the aggressors seldom getting what they seek or performing, if they prevail, what they promised."<sup>1</sup> Justice, therefore, is the true means of peace to prevent strife between governments, or between governors and governed. Peace, therefore, must be maintained by justice, which is a fruit of government, "as government is from society and society from consent." This thesis is developed and explained in a third section, entitled "Government, its rise and end under all models."

"Government is an expedient against confusion, a restraint upon all disorders; just weights and an even balance; that one may not injure another nor himself by intemperance." The most natural and human basis of government is consent, "for that binds freely (as I may say) when men hold their liberty by true obedience to rules of their own making." Penn concludes his introduction by explaining that in these three first sections he has briefly treated of Peace, Justice and Government "because the ways and methods by which peace is preserved in particular governments will help those readers most concerned in my proposal to conceive with what ease as well as advantage the peace of Europe might be procured and kept; which is the end designed by me, with all submission to those interested in this little treatise."

<sup>1</sup> Wars, he says elsewhere, are the duels of princes, and there is no rod of chastisement that leaves such deep marks behind it.

In his first section he had shown the desirableness of peace; in his next the truest means of it, to wit, *justice, not war*; and in the third, "that this justice was the fruit of good government." Then follows the proposal or design itself<sup>1</sup> which must be given in Penn's own words :

"Now if the Sovereign Princes of Europe, who represent that society or independent state of men that was previous to the obligations of society, would for the same reason that engaged men first into society, *viz.* love of peace and order, agree to meet by their stated deputies in a general Dyet, estates, or parliament, and there establish rules of justice for sovereign princes to observe one to another; and thus to meet yearly, or once in two or three years at farthest, or as they shall see cause, and to be stiled, the sovereign or imperial Dyet, parliament, or state of Europe; before which sovereign assembly should be brought all differences depending between one sovereign and another, that cannot be made up by private embassies, before the session begins; and that if any of the sovereignties that constitute these imperial states shall refuse to submit their claims or pretensions to them, or to abide and perform the judgment thereof, and seek their remedy by arms, or delay their compliance beyond the time prefixt in their resolutions, all the other sovereignties, united as one strength, shall compel the submission and performance of the sentence with damages to the suffering party, and charges to the sovereignties, that obliged their submission: to be sure Europe would quietly obtain the so much desired and needed peace to her harrassed inhabitants; no sovereignty in Europe having the power, and therefore cannot (*sic*) show the will to dispute the conclusion; and consequently peace would be procured and continued in Europe."

In a fifth section Penn reviews the causes of difference and the motives that lead States or their rulers to settle such differences by war rather than by diplomacy or arbitration. The motives of war are

<sup>1</sup>In section iv., "of a general peace, or the peace of Europe and the means of it."

three, namely, Defence, Recovery, Aggression. Penn imagines the warlike aggressor saying to himself: "Knowing my own strength I will be my own judge and carver." The aggressor would have no chance in the imperial States of federated Europe; but any State claiming protection, or the right to recover territory of which it had been deprived, would be heard whenever it chose to plead before the sovereign court of Europe, and there find justice.

Thus Penn is led to consider the titles by which territories may be held or claimed. A title come by right of long succession, as in England and France, or as in Poland and the Empire by election, or by purchase, as often in Italy and Germany, or by marriage, or lastly by conquest—as the French in Lorraine, and the Turks in Christendom. What titles then are good and what bad? These problems must be left to the sovereign states and the international court to deal with and decide in each case. But Penn was ready to show upon what principle such controversies would be decided, by an examination of titles. He decides that all are good except the last. Conquest only gives a questionable title, morally speaking. When conquest has been confirmed by treaty it is an adopted title. If there is to be a restitution of conquests it is a tender point where to begin. Could they go back for instance to the peace of Nimeguen?

In a seventh section Penn describes the constitution of his European parliament. The number of delegates sent by each country should be in proportion to its wealth, revenue and population. These would have to be accurately ascertained; but Penn makes

the following guess. He allows twelve representatives to Germany, ten to France, ten to Spain, ten to Turkey, and ten to Muscovy. Italy was to have eight, England six, the Seven United Provinces of Holland, "Sweedland," and Poland, four each. Venice and Portugal were to send three delegates apiece, and the smaller States in proportion. Ninety delegates in all would form the diet. Its first session should be held in some central town; after that the delegates would choose their place of meeting.

In the eighth section he gives some details for the regulation of his Imperial States in Session. Thus, "to avoid quarrel for precedency the room may be round [as at the Hague Conference] and have divers doors, to come in and go out at, to prevent exceptions." Members should preside by turns; voting should be by ballot to secure independence and to prevent corruption. A majority of three quarters should be necessary. The language used would be either Latin or French,—the first would be best for civilians, the second for men of quality.

In section nine he entertains some objections that might be advanced against his design. First it might be said that the richest and the strongest sovereignty would never agree to this "European League or Confederacy," and there would be danger of corruption if it did agree. A more plausible objection was that disuse of the trade of soldiery would lead to effeminacy, as happened to Holland in 1672. But each nation would instruct and discipline its youth as it pleased. Manliness, says our author, depends on education. You want men to be men, not either lions or women! Teach



them mechanical knowledge and natural philosophy, and the art of government. No State would be allowed to keep a disproportionately large army, or one formidable to the confederacy. Another objection would be that if the trade of soldier declined there would be no employment for the younger brothers of noble families, and further if the poor could not enlist they must become thieves. Penn answers that the poor should be brought up to be neither thieves nor soldiers but useful citizens. Again, it would be said: "sovereign states will cease to be sovereign, and that they won't endure." No, for they remain just as sovereign at home as ever they were. Is there less sovereignty "because the great fish can no longer eat up the little ones"?

Finally Penn recounts "the real benefits that flow from this proposal about peace." 1. Not the least is that it prevents spilling much "humane" and Christian blood. 2. It will in some degree recover the reputation of Christianity in the sight of infidels.<sup>1</sup> 3. It releases the funds of princes and people, which can go to learning, charity, manufactures, etc. 4. Border towns and countries like Flanders and Hungary will be saved from the rage and waste of war. 5. It will afford "ease and security of travel and traffic, an happiness never understood since the Roman Empire has been broken into so many sovereignties." We may easily conceive, he adds, the comfort and advantage of travelling through the governments of Europe by a pass from any of the sovereignties of it,

<sup>1</sup> "Here," he says, "is a wide field for the reverent clergy of Europe to act their part in. . . . May they recommend and labour this pacifick means I offer."



which this league and state of peace will naturally make authentick. "They that have travelled Germany, where is so great a number of sovereignties, know the want and value of this priviledge, by the many stops and examinations they meet with by the way; but especially such as have made the great tour of Europe." 6. Europe will be secured against Turkish inroads. 7. It will beget friendship between princes and states; and from communion and intercourse will spring emulation in good laws, learning, art, and architecture. In short, reciprocal hospitality and intercourse will plant peace in a deep and fruitful soil. 8. Princes will be able to marry for love.

Penn seems quite to have anticipated St. Pierre.

## V.

IN the eighteenth century France more than maintained her priority in the glorious contest which Penn had thought to win for England. On the calendar of peace the name of Charles-Irénée Castel, Abbé de St. Pierre,<sup>1</sup> will always be inscribed first in letters of gold. This stout-hearted and persevering Christian, who sought to convert an uninformed and unregenerate Europe by argument to the Sermon on the Mount,

<sup>1</sup> In a copy of the first two volumes of *Paix Perpétuelle*, which may be seen in the library of the British Museum, the author signs himself Charles Castel de Saint Pierre. This valuable *exemplaire* was evidently one of the first struck off. There is no title page, and there are many gaps; but they are all filled in by the Abbé with his own hand, who sent it, July 21, 1712, as a presentation copy to Cardinal de Rohan. It was picked up by Southey from a bookseller in Darlington.

was born in 1658 at the Château de Saint-Pierre-Église, near Barfleur, in Normandy. His father, Charles Castel, was governor of Valogne, and was allied by blood with the great house of De Villars. Charles-Irénée studied first at Caen, and then transferred himself to Paris, where with Varignon, Vertot, and the sage Fontenelle he became proficient in mathematics and in the infant sciences of chemistry, physics, anatomy, and medicine. He discussed philosophy with Malebranche, and distinguished himself by a universal and critical curiosity. Under the guidance of Pascal he passed to morals and thence to politics, concluding, as he says, from a comparison of good books about morality with good laws and good institutions that the science of government is more fruitful than the science of individual ethics. The good of mankind became his sole passion and the sole object of his speculations. With a view to this he studied history closely; but his political philosophy was based on mathematics and the physical sciences. Thus guided and instructed his passion for the improvement of society gradually anchored itself on the principle of utility, expressed in terms not less precise than those which Bentham is generally supposed to have invented long afterwards: "the value of a book, of a regulation, of an institution, or of any public work is proportioned to the number and grandeur of the actual pleasures which it procures and of the future pleasures which it is calculated to procure for the greatest number of men." This is the Utilitarian formula of Bentham with the amplifications suggested by Mill and Jowett;<sup>1</sup> for the

<sup>1</sup> Jowett suggested that the formula should be amended to "the noblest happiness of the greatest number."

addition of "grandeur" to number makes it clear that the quality or nobility of pleasures as well as their quantity must be brought into the account. "The value of a thing," he writes, in order to make his whole meaning plain, "is the value men place upon it, and men value or ought to value work solely according to the amount by which it enhances their happiness; that is to say, in proportion as it procures them greater and more enduring pleasures, or relieves them from greater and more enduring pains, whether in the present or in the future."<sup>1</sup>

You will think that I am straying far from my subject; but the idea of a federation of Europe or of a union of all civilised powers is, and always will be, associated with the name of the Abbé de Saint-Pierre; and just as it was at one time the fashion with those who wished to impede reform to laugh at Bentham, so the idea of universal peace used to be ridiculed as an unattainable project, the dream of a well-meaning but impracticable visionary. But to-day so much of the dream has already been realised that ridicule is already felt to be out of place; for despite the growth of armaments in modern times, the war system is being steadily undermined; its advocates are already apologists; militarism is in a defensive posture; the reason and sentiments of mankind are already won over to the side of peace. And how has this change been brought about? Not by Kantian metaphysics, still less by Hegelian dialectics; not even, I fear, by the influence and exertions of Christian

<sup>1</sup> See "Projet pour rendre les livres et autres monuments plus honorables pour les auteurs futurs et plus utiles à la postérité," in the collected works of the Abbé de Saint-Pierre.

churches. The transformation is due to the gradual spread of enlightenment, and, above all, to the doctrine of utility expounded and enforced by a long series of thinkers and reformers, beginning, we may say, with the Abbé de Saint-Pierre, and developed by the genius of the French encyclopædists, by Adam Smith, Jeremy Bentham, and their followers and disciples in all parts of the world. To us the idea of testing laws and institutions by their utility is familiar enough. It was a startling novelty two centuries ago. St. Pierre was the first systematic utilitarian. To increase the comfort and happiness of mankind, and especially of his own countrymen, was the aim and object of all his projects and designs. With this view he proposed that girls should be educated, that complete freedom should be given to the press, that priests should be allowed to marry, that a sound coinage should be introduced, that a census should be instituted, that the burdens of taxation should be equalised,<sup>1</sup> that a system of poor relief should be established, that useful inventions should be rewarded, that the science of medicine should be encouraged, that legal procedure should be simplified and shortened, and that a State department should be established for the maintenance and improvement of roads<sup>2</sup> and canals. He even proposed "A plan for rendering sermons useful."<sup>3</sup>

<sup>1</sup> D'Alembert tells us that Saint-Pierre's *Memorial on the Proportional Taille* produced important and beneficial changes. "On this important topic the author speaks like a true statesman."

<sup>2</sup> One of its principal duties would be to make roads passable in winter.

<sup>3</sup> A wit seeing this title suggested instead: "A scheme for rendering useful preachers, physicians, taxgatherers, monks, journalists, and horse-chestnuts." Saint-Pierre also wrote a perfectly serious treatise entitled "*A plan for rendering dukes and peers useful.*"



Last, but not least, the French tongue is indebted to him for the invention of one precious word, *bienfaisance*, and of the mocking *gloriole*, which (as D'Alembert said) hits off so well one of the principal foibles of mankind, and especially of the French nation. I think I have mentioned most of his minor projects, and, with two exceptions, they have been adopted in substance. We are all reformers now. The "dreams" of the good Abbé are the institutions of a happier age. Let us now look at his first and greatest project and see whether it also was not built upon the rock.

In the year 1712 the Abbé de Polignac took Saint-Pierre with him to the Congress of Utrecht. Many obstacles and delays occurred before the plenipotentiaries could come to terms, and Saint-Pierre did not see why the advantages of a treaty that took so long to frame might not have been made perpetual. His imagination was fired by the spectacle of this great congress representing the whole of Christendom. Why should it not be the means to a perpetual peace instead of to a mere truce? The moment had come to revive the *Grand Dessein*, a copy of which he is said to have found buried in a garden. Accordingly St. Pierre set to work on his famous *Projet de Paix Perpétuelle*. The first volume appeared in 1712, the third and last in 1716. The author took care to lay his plan before the sovereigns and statesmen of Europe. He met with no response. The men in power were not in a mood to be converted. "You have forgotten, sir," said Cardinal Fleury, who was well inclined to peace, "a preliminary condition upon which your five articles must depend. You must begin by sending a troop of missionaries to prepare the hearts and minds of the



contracting sovereigns." Assailed by ridicule and taunts, Saint-Pierre stood firm. He saw that the triumph of reason could not be speedy ; but he never lost heart nor abated his efforts. Twenty-five years later he spoke in much the same language as his predecessor, Eméric Crucé : " My projects will endure ; some of them, little by little, will enter into the young minds of those who will one day take part in the government, and be able to be of great service to the public : this view of the future has always splendidly repaid me for my present pains." In 1728 he published a popular abridgment of the work, with a title which clearly indicates the grounds of his hopes for the future. " An abridgment of the project of perpetual peace invented by King Henry the Great, approved by Queen Elizabeth, by King James her successor, by the republics, and by divers potentates ; adapted to the present state of affairs in Europe ; proved to be of infinite advantage to all men living and to be born, but especially to all sovereigns and royal families."<sup>1</sup> Unfortunately the abridgment was hardly more popular than the original. The Abbé had no style. " My stuff," he said, " is good and stout, but it lacks embroidery." St. Pierre knew very well that in the long run his scheme would depend for its success not upon a royal pedigree, but upon the recognition of its utility by mankind and their rulers. Yet he dedicated his book to Louis the Fifteenth, and

<sup>1</sup> A revised edition of this abridgment was published at Rotterdam in 1738 and forms the first of 16 volumes in which most of the moral and political writings of St. Pierre are collected. The last volume (1740) contains the Abbé's criticism on Frederick the Great's *Anti Machiavel*.

exhorted that feeble monarch to appropriate the honour of executing a project which would redound to his glory, and be of the utmost service to the public.<sup>1</sup> Alas that in those years of exhaustion which followed on the ruinous wars of the *grand siècle* a dissolute regent, a worthless king, a court of obsequious politicians and insistent generals were occupied with far other designs—as vain and foolish as this was wise and fruitful. Could they but have known it, the elixir of the Abbé de Saint-Pierre would have preserved them and France from another thirty years of war that brought neither glory nor gain, but only ruin to the reputation of the king and the nobles and the old régime. For what was it that turned the French people to despair and revolution, what but the war about Poland, the war of the Austrian Succession, and the Seven Years' War?

The Senate of Europe, as proposed by Saint-Pierre, was to consist of twenty-four deputies only, one from each of the following Powers: France, Spain, England, Holland, Savoy, Portugal, Bavaria, Venice, Genoa, Florence, Switzerland, Lorraine, Sweden, Denmark, Poland, the Pope, Muscovy, Austria, Curland,<sup>2</sup> Prussia, Saxony, the Palatinate, Hanover, and the Archbishoprics.

In his abridgment the list is altered and reduced to nineteen, among whom appear the King of Sardinia and the King of Naples. Savoy, Curland, Hanover, Genoa, Florence, Lorraine and Saxony drop out, and “the Emperor of Germany” is included.

As each deputy was to have one vote, it would appear that the Abbé had no desire to proportion

<sup>1</sup> La plus grande Utilité Publique.

<sup>2</sup> Including Dantzic, Hamburg, Lubeck and Rostock.

the influence of the constituent powers to their wealth and population. But the details of his project, which are numerous and elaborate, need not detain us. They were drawn up in the form of a treaty or convention of eleven fundamental articles, to be signed by the sovereigns or their deputies present at Utrecht, which was to be made a free city of peace. In this free city, the sovereigns having agreed to a permanent and perpetual union, their representatives were to sit in perpetual session, deliberating upon the common affairs of Europe. Out of the Senate would be constituted standing committees or *bureaux* of administration, and from time to time temporary committees of reconciliation would be formed to arrange differences between sovereigns. The Committee of Conciliation should first endeavour to get the contending parties to sign an agreement. Failing this the Senate, after hearing the views of the committee, would legislate on the case. If the parties refused to submit to this Private Act or *privilegium*, an arbitral judgment should be pronounced by the Senate in its judicial capacity, first provisionally, and then definitely, after an interval of six months. Recalcitrant States placed under the ban of Europe would be coerced by the whole force of the Union. No State was to be allowed a standing army of more than six thousand men ; but whenever war was levied by the Union, either against an external enemy or an internal dissident, the States would contribute to its expenses in proportion to their revenues. It would be more tedious than instructive to enumerate, however summarily, the constitutional guarantees by which the projector of this grand treaty of federation would have secured the Union, once

established, from disruption. The best security, after all, as Saint-Pierre well knew, for the permanence of the Union would have been the advantages which it secured to all its members. Once released from the fear of war, and from the cost of maintaining large armaments, every State of the Union would have been able to devote a large and ever-growing surplus to the reduction of taxation, or to domestic reforms and improvements. And further, by federal action, Europe, through its new organ the Senate, would be able to establish and maintain many common advantages and conveniences, such as a single currency, a single standard of weights and measures, and a system of commercial arbitration, governed everywhere by the same principles and procedure.

Unluckily, the Abbé's Utilitarianism led him into the very same mistake that was afterwards committed by Bentham. In his writings, elegance and form were always neglected, and the difficulties of his readers were enhanced by some provoking eccentricities of spelling. It was fortunate, therefore, that the fame of his project was not left to depend upon the literary shape in which it was left by the good Abbé. Twenty years after his death, the genius of Rousseau was engaged in a new abridgment of the Abbé's writings;<sup>1</sup> and two essays, one an exposition, the other a judgment, of the *Projet de Paix Perpétuelle*, are brilliant feats of literary workmanship and political criticism. For one reader of the original there will always be a thousand of Rousseau's version. Mark well the two introductory paragraphs of Rousseau's *Jugement*.

<sup>1</sup> "Afin de les rendre," he says, "plus commodes à lire, et que ce qu'ils ont d'utile fut plus connu."



I hope my poor translation may take you back to the original. "The *Project of the Peace Perpetual*, concerned as it is with a subject the most worthy to engage the attention of a philanthropist, was also of all the Abbé's projects the one which he thought most about, and pursued most obstinately; for there is hardly another word than obstinacy<sup>1</sup> that one can apply to the zeal of a missionary who never abandoned his purpose despite the plain impossibility of success, despite the daily ridicule he encountered, and the constant mortification he had to undergo. It seems that this good soul, whose only care was the public interest, measured the pains he bestowed on things wholly by their degrees of usefulness, without ever allowing himself to be discouraged by obstacles, and without a thought of personal advantage." If any moral truth is capable of proof, says Rousseau, the general and particular utility of this project has been amply demonstrated. The advantages which would flow from its execution to every sovereign, to every nation, and to all Europe, are immense, clear, incontestable; nothing could be more solid and exact than the train of reasoning by which the author establishes them: realise his European Republic for a single day and that will be long enough to make it endure for ever, so strongly would every individual feel by that brief experience his own particular share in the common gain. Nevertheless, the very princes who would defend the project with all their might if it were once brought into existence, would as strongly oppose its execution, and will as infallibly prevent its being introduced. Thus the work of the Abbé de Saint-

<sup>1</sup> "Opiniâtreté."



Pierre upon perpetual peace would appear at first sight useless for making peace, and superfluous for preserving it; "then it is a vain speculation," cries the impatient reader; *no, it is a book of solidity and sense, and it is very important that it exists.*<sup>1</sup>

*Arbiter.* Yes; there Rousseau has hit the nail on the head. The life work of the Abbé has been perpetually prolonged by his book. Mr. Morley has shown how much the nineteenth century, aye, and the twentieth, might learn from the French philosophers of the eighteenth century. Every great reformer renews his devotion and refreshes his enthusiasm in the works of his predecessors. This, I think, is especially true of the champions of liberty and charity and peace. I remember so well nearly thirty years ago—it must have been in 1878—an oration delivered by Victor Hugo at the Voltaire Centenary. Remember, he said, what we owe to the eighteenth century and what we have still to learn from its master spirits. The tragedy of peoples is not yet played out. War still raises its head. We must take counsel with those mighty thinkers, Voltaire and his allies, with Montesquieu, and Diderot, and Rousseau. And then he went on if my memory serves me right:

"We must stay the shedding of human blood. Enough ye despots. Barbarism survives; but let philosophy protest. Let the eighteenth century succour the nineteenth. The philosophers, our predecessors, are the apostles of truth. Let us invoke their illustrious shades; face to face with monarchies bent

<sup>1</sup> "Non, c'est un livre solide et sensé, et il est très-important qu'il existe."

on war, let them again proclaim the right of men to life and the right of mind to liberty, the sovereignty of reason, the sacredness of labour, the blessedness of peace ; and as night issues from the thrones let light radiate from the tombs."

*Admiral.* You almost persuade me to believe in books. Men like Saint-Pierre who are in advance of their age clearly ought to put their thoughts on paper.

*Ego.* So that a wiser generation may borrow them.

*Admiral.* Precisely so. Let the man of genius and invention write never so badly, he may always hope to convey his idea to some sympathetic man of letters, who will give it immortality.

*Clarke.* It is indeed a wonderful refreshment when you have been plodding along with Saint-Pierre to come upon such a passage as this in Rousseau's version:

"J'espère que quelque âme honnête partagera l'émotion délicieuse avec la quelle je prends la plume sur un sujet si intéressant pour l'humanité. Je vais voir, du moins en idée, les hommes s'unir et s'aimer ; je vais penser à une douce et paisible société de frères, vivans dans une concorde éternelle, tous conduits par les mêmes maximes, tous heureux du bonheur commun ; et réalisant en moi-même un tableau si touchant, l'image d'une félicité qui n'est point, m'en fera goûter quelques instans une véritable."

Now I feel that I have made some amends to the shade of Jean Jacques for my translations, and I will try to carry you on with English to the end of the journey.

Saint-Pierre was renowned as the embodiment of justice, charity and public spirit. He was nicknamed *soliciteur pour le bien public*. But a reformer, however benevolent, and a lover of truth and peace,

could not then hope to be honoured as he deserved. The French Academy which had elected him in place of Bergeret afterwards ejected him, by an almost unanimous vote, because, impressed by the miseries Louis the Fourteenth had caused to France and by the vast sums he had wasted, Saint-Pierre refused him the title of the Grand Monarch after his death. Fontenelle alone voted against the sentence of exclusion. But though Saint-Pierre got few acknowledgments and had to endure many insults<sup>1</sup> in his life time,<sup>2</sup> he must have been well pleased when he received a letter from the great Leibnitz thanking him in these terms for a copy of the *Projet d'une paix perpétuelle*. "I have read it with attention, and am persuaded that such a project on the whole is feasible, and that its execution would be one of the most useful things in the world. Although my suffrage cannot be of any weight, I have nevertheless thought that gratitude obliged me to give it, and to add some remarks for the satisfaction of a meritorious author, who must have much reputation and firmness to have dared and been able to oppose with success the prejudiced crowd and the unbridled tongue of mockers."<sup>3</sup> Elsewhere Leibnitz, following an older scheme of one of the Catholic princes of Germany, Ernest of Hesse Rhinfels, suggested that a Court of Arbitration for Europe should be established at

<sup>1</sup> La Bruyère caricatured his personal peculiarities, but redeemed this misdemeanour by a most brilliant satire on the mischiefs and folly of war.

<sup>2</sup> Saint-Pierre died in 1743, aged eighty-five.

<sup>3</sup> See Leibnitz, *Opera* (Dutens), vol. v., pp. 56, 20, 21. This is Sumner's translation.

Rome and presided over by the Pope, that its old spiritual authority should be restored to the Church and that any State or prince refusing to comply with the arbitral award should be excommunicated. Such a plan, he thought, would be as likely to succeed as that of Saint-Pierre.

A little later than Saint-Pierre and Rousseau, but before the destruction of the French Monarchy, Turgot, Necker, and Vattel distinguished themselves by their efforts and writings in the cause of international justice and peace. But Turgot, the greatest of the three, is the only one whose speculations turned upon the possibility of a federative union. Turgot was the pure and disinterested statesman whom God seemed to have raised up to be the peaceful deliverer of France and Europe. The story of his rise and fall, of his reforms and of his speculations, was written by his friend Condorcet, in a book which John Stuart Mill regarded as one of the most inspiring of all biographies. Turgot entered into the intellectual heritage of Montesquieu, Voltaire, Quesnay and Rousseau. To the first he owed the scientific spirit of the legislator, to the second a supreme regard for justice and a fierce hatred of intolerance, to the third a determination to liberate commerce, reduce expenditure, and lighten taxation,—a bold and radical outlook upon political problems.

In his essay on the government of Poland Rousseau had proclaimed a federal republic to be the only one which unites in itself all the advantages of great and small States. This doctrine came to him direct from Montesquieu. But in the *Contrat Social* Rousseau maintained further that all lawful govern-

ments are "republican," meaning by republican any government directed by the general will which is the law. In this spirit Turgot favoured the republican as the best of all constitutions. He meant a State in which all the rights of men are conserved by law, and the legislative power is exercised by the people or their representatives; but he used often to say, "I have never known a constitution truly republican." Upon this Condorcet remarks: "M. Turgot died before the end of the American War and he was afraid that the influence of the mercantilist spirit and of English prejudices would be detrimental both to the constitution of the United States and to their commercial and fiscal policy." If Turgot's fears were not fully justified he had at least correctly diagnosed the most serious of the diseases that have afflicted the politics and society of the American Commonwealth. Condorcet, on the other hand, was more afraid of the establishment of a military caste.

In Turgot's opinion the conduct of a State, like that of an individual, ought to be guided by justice, reason and morality. The relations of States ought to be regulated by international law just as the relations of individuals are regulated by municipal law. He believed in the perfectibility of every individual and by consequence of every State. The perfection of the order of society would naturally go hand-in-hand with the progress of the moral and intellectual virtues. Men would be brought by the influence of reason and interest to the practice of peace, and every nation would realise that its own happiness was bound up with the happiness of others.



He was no fanatical admirer of patriotism as it was then preached and practised. It seemed to be too often the desire to profit by the grandeur of your country or to belong to a free slave-owning race. In any case it was a passion which required to be moderated and rationalised. In time, by the spread of enlightenment, men would gradually be disabused of their prejudices against foreigners. Abandoning the grotesque policy which opposed nation to nation, power to power, passion to passion, and vice to vice, they would consult reason and carry out what she prescribed for the good of the whole human race. He had no doubt but that each succeeding age, by the progress of agriculture, the arts and sciences, would benefit every class of men, diminishing their physical evils, increasing their means of enjoyment, and averting some of the scourges under which they suffer. "The nations are drawing together: soon all that the soil produces, all that industry has created in the different countries of the world, will be available for the whole human race. Eventually all peoples will recognise the same principles, will use the same knowledge, and will unite to promote the general progress and the common good."<sup>1</sup>

It is in the light of this general philosophy, which after all is only a particular rendering of the reformer's proper temperament and faith, that we must interpret and fill in Condorcet's sketch of Turgot's constitutional projects. As a Republican constitution was the most likely to secure justice and happiness to the citizens, so a federation of Republics appeared

<sup>1</sup> Turgot's confident optimism was fortified by a theory that the invention of printing had made retrogression impossible.

to Turgot to be the best means of securing the Republican State against invasion from without. "He thought that all neighbouring peoples, with the same language, customs, and manners of life, would naturally form such associations; and he had long meditated on the means of giving these leagues solidity and permanence, and of constituting them on fixed principles." Existing federations in Europe had arisen by chance or circumstance, but, thanks to the new spirit of an enlightened age,<sup>1</sup> America had been able to procure a constitutional system, simpler, more regular, and better put together than the haphazard unions of Europe; and so hopeful an experiment had led Turgot to devote himself, with the more interest and energy, to what was then almost a novel departure in politics.

Each state of the union should agree in its legislature to conform to the principles of natural justice, which would include freedom of trade and the emancipation of labour and industry from all restrictions. By these means some of the gravest perils of a disunion would be averted. Turgot, it appears, though he felt certain of the ultimate establishment of a permanent peace, was concerned as a practical statesman with the means by which the natural rate of progress towards that goal might be accelerated. Although Condorcet makes no definite statement on the subject, he lays much stress upon the completeness of Turgot's design and of the harmony which existed between his domestic and foreign policy. Turgot was a citizen of the world because he was a citizen of France: no one was ever more convinced than he of the

<sup>1</sup> "Grace aux lumières et à l'esprit qui regnent dans ce siècle."

solidarity of the world: none more alive to the fallacy of supposing that the real interest of any particular State is antagonistic to the interests of other States, or in any way incongruous with the common good of mankind.

At the same time he recognised that revolutions, and even violence, might conduce to the establishment of the ideal order. Thus the destruction of the Turkish Empire, he thought, would be a real gain to Europe and the world by enlarging commerce, destroying monopolies, and opening up a better prospect for the abolition of slavery. We may assume, I think, that if Turgot had lived to develop the ideas of which Condorcet has left a splendid but imperfect impression, he would have shown how, from a number of federated Republics, a union would naturally grow up, embracing the whole civilised world, leaving each constituent Republic perfect freedom of development, and insuring a perpetual reign of peace and justice. There is no difference in principle between the functions of the Supreme Council, which would regulate the common affairs of his federated Republics, and decide from time to time such differences as arose between its members, and the Supreme Council of Europe, which Saint-Pierre dreamt of, or even that Supreme Council of the civilised world, which was in a measure realised by the Hague Congress.<sup>1</sup>

<sup>1</sup> After describing Turgot's "principal views" of foreign policy, and particularly his ideas of federation, Condorcet observes: "*On voit combien elles étoient liées avec le reste de ses principes, et combien la constitution d'un grand état Républicain devoit différer peu de celle d'une République fédérative; combien même aux formes près destinées à limiter le pouvoir du conseil supreme, cette administration se trouveroit rapprochée de celle qui convient à toutes les grandes nations.*"

## VI.

THE work of these great French writers and thinkers, which thrilled England and reconstituted America, was also felt in Germany, long the home of science and art, now preparing to assert herself and her language in the empire of letters. Rousseau, himself a native of Geneva, and half German in sympathy, was fond of expressing his sense of the importance of the *Corps Germanique*, a body formidable to foreign countries from the numbers and valour of its people, but serviceable in that its constitution, valueless for purposes of aggression, served as a breakwater against conquerors. The Empire, in Rousseau's eyes, was the key to the peace of Europe; and therefore, said he, "the public law, which the Germans study so diligently, is even more important than they think, for it is the public law not only of Germany, but in certain respects of all Europe." A century afterwards Lord Brougham declared that international law was the child of the Germanic confederacy. At first, however, German thinkers had not much to contribute to the peace idea. In 1763 Totze issued from Göttingen a treatise upon the plan of Henry the Fourth, and four years later Lilienfeld in his *Neues Staatsgebaude* published at Leipzig, after exposing the wastefulness of armaments and the foolish miseries of the battlefield (where controversies are determined as by the throw of the dice), urged that nations should submit their quarrels to arbitrators, or, better still, institute a confederacy capable of enforcing the decrees and awards of a



supreme tribunal.<sup>1</sup> Totze and Lilienfeld are forgotten; but Immanuel Kant, king of modern philosophy, has associated with his own name and fame the glorious cause of peace and union. Kant was sixty years old in 1784 when he first approached the subject of peace and war in his *Idea of a Universal History from a Cosmopolitan Point of View*, three years after Turgot's death, but two years before the appearance of Condorcet's memoir. There is a remarkable resemblance between the view of the French statesman and the German philosopher. Both insisted on the connection between foreign and domestic policy. Injustice at home leads to injustice abroad. A corrupt tree cannot bring forth good fruit, and corrupt constitutions are not likely, when united, to produce a good federation. If there is a difference between Kant and Turgot, it is that Turgot lays more stress upon the need for internal reforms. If each State will found itself upon justice and right, the way will be paved for international harmony. Kant, on the other hand, concludes his theory of the natural history of society, with the remark that a perfect civil constitution cannot be looked for until the external relations of States are regulated by righteous principles. The evils of war must drive States, as they had already driven individuals, to seek refuge in leagues and associations, in order by some sacrifice of independence to gain peace and security. These leagues and associations would go on forming and dissolving, until at last there would arise a federation of all civilised powers for the establishment of universal and perpetual peace. That is the end prescribed

<sup>1</sup> Cp. Sumner's *War System of the Commonwealth of Nations*.



for humanity by reason. Then justice will reign over the whole world not only between the citizens of each particular State, but between States in the great society of nations. To perfect the internal constitution of each individual State will be a slow and difficult task. "Out of such crooked material as man is made, nothing can be hammered quite straight." But if imperfect men have consented to forego the "privilege" of private war, may we not hope that imperfect States will likewise see the advantage of foregoing the privilege of making public war upon one another? Was not the Hague Convention brought about by the very imperfect government of Russia?

In his next book, however, Kant's republican feeling and his sympathy with the French Revolution brings him nearer, as we shall see, to the standpoint of Turgot. Perhaps that fierce drama and the action of the European despots had impressed him with the importance of constitutional machinery. In the *Zum ewigen Frieden*, published at Königsberg in 1795, the idea of Sully, Penn, and Saint-Pierre appears for the first time in the full robes of philosophy. "The Peace project," as Kuno Fischer says in his *Life of Kant*, "is here brought into connection with a deep-laid system of thought; there is no fanatical extravagance or gushy philosophy; both are foreign alike to the philosophy and character of Kant."

Schubert tells us that Saint-Pierre had undoubtedly inspired Kant with the desire and missionary zeal to propagate the idea of a perpetual peace in Germany;<sup>1</sup> and it is plain from the intimate relationship between this tractate and the rest of Kant's writings that he

<sup>1</sup> See Schubert's *Kant und seine Stellung zur Politik*.

is here giving us the ripe fruits of long meditation. But though the original inspiration must have come from Saint-Pierre and Rousseau, the immediate occasion of Kant's message and the form in which he delivered it, was suggested by the negotiations at Basle, and by the two treaties of peace concluded there in April and July 1795 between the French Republic, Prussia, and Spain. Disconcerted by the victories of French arms in the campaign of 1794, Prussia withdrew from the coalition and acknowledged the Rhine as the boundary of a Republic, whose right to exist she had so recently invaded. By joining in the unjustifiable aggression of 1792, the Prussian Government had shown not only hatred of liberty, but a contempt for the principle which forbids one country to meddle with the constitution and domestic politics of another. By the Peace of Basle Prussia recognised the French Republic, coolly gave over to France all German territories on the left bank of the Rhine, and then, to recoup herself for surrendering what did not belong to her, obtained from the French Republic a secret article acknowledging the right of Prussia to annex other German territories! Yet it appears that there were Prussian statesmen at this time so simple as to think, or so crafty as to give out, that the Treaty of Basle would pave the way to the establishment of a permanent and perpetual peace in Europe.

It was rumoured during the summer of 1795 that the philosopher of Königsberg—who was as independent of the Prussian<sup>1</sup> as Tolstoi is of the Russian Government—was preparing a treatise on peace; and German publicists seemed to have looked forward

<sup>1</sup> What a contrast to his successor Hegel, the court philosopher.

with lively anticipations to a sharp indictment of the whole course of Prussian policy, from the coalition against France to the Peace of Basle. In this they were disappointed. The treatise appeared in the autumn, but it contained not a single direct comment on either the war or the peace, nor any criticism of any living king, statesman, diplomatist, or general. Nevertheless if any of those who negotiated the treaty read Kant they must have winced a little. *Zum ewigen Frieden* is not merely written in the form of a treaty, being divided into articles, each of which serves as a text for exposition and argument, it is written in the form of the Treaty of Basle, which Kant, as it were, parodies,—if such a word may be used of an ironical imitation which produces its effect by the contrast between the moral sublimity of the copy and the moral depravity of the original. The Treaty of Basle contained preliminary articles, so did the Kantian treatise; and the first of these is a palpable hit at the Basle Treaty :

*No peace shall be regarded as valid which is made with the secret reservation of material for a future war.*

Otherwise, as Kant points out, peace would not be peace, but a mere truce. Jesuitry may approve of mental reservations in solemn contracts between governments, but such casuistry is in truth dishonourable and humiliating to kings and their ministers. "If indeed," says the philosopher scornfully, "we accept those enlightened ideas of statescraft which make the true glory of the State depend upon constant augmentation of its power by any and every means, then of course this judgment of mine will appear schoolmasterish and pedantic." The second of the

preliminary articles must also have been suggested by the Basle Treaty ; for it enacts that no independent State, however small, may be transferred to another by inheritance, exchange, purchase, or gift. For a State is not a property or an estate, but a society of human beings which none but they may order and dispose.

*“Bella gerant alii, tu felix Austria nube ;  
Nam quæ Mars aliis dat tibi regna Venus”*

had been suggested by Hungarian wit<sup>1</sup> as a motto for the House of Hapsburg, but the idea of obtaining sovereignty over another State by marriage with its ruler, though still considered legitimate, was morally, legally, and politically indefensible ; and the same condemnation resting on the same principle was extended by Kant to the plan of hiring the troops of a neutral State to fight against an enemy. It is some satisfaction to reflect that in the course of a century civilised opinion has made so much progress towards a recognition of the dignity of nations, even of those who are still the subjects of an absolute monarchy. A monarch who dreamed of acquiring alien territory by marriage would be thought crazy, and no country would allow its troops to be hired out to a foreign power. To do so would, I suppose, be tantamount to a declaration of war.

The third article, alas, in these preliminaries, is still far, very far, from being adopted. *Standing armies shall be gradually abolished.* Yet Kant's argument against them is so conclusive that it must tell in

<sup>1</sup> King Matthias Corvinus : “Let others wage wars ; do thou, happy Austria, marry ; for kingdoms which Mars gives to others Venus gives to thee.”



the long run. Armies, he says, that stand in constant readiness for war are a menace to other countries. One army is put into competition with another, and no limit can be set to their increasing size and costliness. At last armies become so burdensome that a war may be undertaken in the hope of obtaining relief. A short war, it is argued, may be a quick cut to a smaller army. Another objection to standing armies is that the state ought not to hire men to kill and to be killed as if they were mere machines—an objection which does not apply to a volunteer force of citizens. A government easily gets into the habit of thinking that its soldiers are instruments to be *used*, and that their lives are of no human value. So when the Greek Emperor proposed to a prince of Bulgaria that they should save the lives of their subjects by settling their quarrel in a duel, the prince replied: "A smith who has tongs won't handle the red-hot iron."

In a fourth article Kant provides that "no national debts shall be contracted in connection with the external business of the State." The abandonment of loans for war purposes would greatly conduce to peace by putting an end to a system by which war can be waged (for a time) with comparative ease and convenience.

What do you think of that proposal?

*Ego.* To me it seems, like the third article, quite impracticable. Loans for war must continue as long as wars. You might almost as well try with Tolstoi to abolish wars by abolishing governments and taxes. Credit is part of the machinery of modern finance, and is legitimate, if used in moderation, for extraordinary expenses of all kinds.



*Meyer.* And what a poor way Kant chose of recommending peace to the Bourses !

*Ego.* I am surprised that he did not confine himself to forbidding neutral States to lend money to belligerents. That, I think, was one of Cobden's proposals.

*Arbiter.* Yes ; and Cobden did manage to spoil the loan which the Austrians tried to raise in London for the Hungarian war. But I am afraid the Russian loan raised for the same wicked purpose was successful.

*Admiral.* There is something indecent in the spectacle of rich powers, like England, France, and the United States, financing a war between two poor nations like Russia and Japan.

*Clarke.* Yes, indeed ; and I accept the amendment of the article. Kant I should say was rather weak in economics, and would probably have agreed to the change. The next article, however, is purely Cobdenic : *No State shall interfere violently with the constitution and government of another.* This is, so far as I know, the earliest complete statement of the doctrine of non-intervention, a rule the breach of which turned the pacific French Republic into the most formidable and aggressive of military empires.

In the sixth and last of the preliminary articles Kant forbids States at war with one another to employ assassination, poisoning, perfidy, or any other mode of hostility which would make mutual respect and confidence impossible after the war is over. All perfidy, treachery, and dishonourable stratagems, such as the use of spies, should be avoided, though in using spies you may only be employing a traitor.

*Case.* To bribe or intimidate another to do a treacherous act is equivalent to doing it oneself.

*Seymour.* And it is a dangerous thing to rely on the dishonesty of others even in war, where all things are proverbially fair. For my own part, I never thought well of "the National Scouts." The energy Lord Kitchener put into organising those traitors might have been directed into more useful channels.

*Arbiter.* The National Scouts I take it (whatever their military merits) are a very good example of the short-sighted kind of hostility which poisons the social atmosphere after the war is over, and makes it more difficult to heal the wounds.

*Admiral.* It was a despicable performance. To think that a great nation like ours should have bribed men to fight against their countrymen. But we are getting out of our course——

*Arbiter.* And it is growing late!

*Clarke.* Shall we adjourn? My longitude is immense!

*Admiral.* No, no. 'Tis a good cargo, and we must see it safe in port.

*Arbiter.* You shall finish your paper, and we will try not to interrupt.

*Clarke (continuing).* The object of Kant's preliminary articles is to show that an improvement of moral conditions, as well as of political contrivances, is necessary to prepare the world for peace. The standard of international law, custom, and morality had been sensibly raised in the course of the sixteenth and seventeenth centuries. Grotius and his successors had not written in vain. But Kant saw that the standard was still far

too low to promise success to any federal plan for the abolition of war. Accordingly, before putting forward his political scheme in "definitive articles," he embodied in the preliminary articles I have mentioned those changes for the better which time and reason might be expected to effect in national conduct. And his optimism has been so far justified that we can read Kant's "three definitive articles for the establishment of peace between States" without the contemptuous smile or the despairing groan which they extorted from his contemporaries.

Were Kant now alive he would probably hold that the conditions sketched out in his preliminaries have been sufficiently fulfilled to justify a convention of civilised nations for the establishment of permanent peace. That the state of peace is not natural, but must be established by artificial means, he takes for granted. It is with nations as with individuals and small communities; the mere cessation of a public war, like the end of a duel or a private war, is no guarantee that peace will continue. Individuals and cities within the same State have obtained for themselves a permanent and perpetual guarantee against duels and private war by creating a comparatively large society ruled by law and regulated by police. As Kant expresses it elsewhere in his *Rechtslehre*, "the natural state of nations, like that of individuals, is a condition that must be abandoned in order that they may enter a state regulated by law." But neither in the case of the individual nor of the nation does abandonment mean complete surrender. May we not say, the better the State the less of personal liberty are its subjects required to surrender? In a police State like Russia the subject

(he can hardly be called a citizen) surrenders much liberty, and gets little security in return. In England, or in the states of New England, the surrender is infinitely less and the return infinitely greater. Here indeed I am going beyond my author, though on lines suggested by him. But let us turn our attention to his first "Definitivartikel": *The Civic constitution of each State shall be republican.*

A republic is the only constitution founded upon the freedom and equality of citizens, and upon their dependence on a common legislature. The two principal features of a republican constitution as defined by Kant are that it is a representative form of government, and that it observes the political principle of severing the executive from the legislature. That Kant, in common with most of his predecessors, should have exalted this second principle so high is a curious testimony to the influence of mere authority over the most profound and original intellects. It may be contrasted with his pungent exposure of Pope's couplet:

"For forms of government let fools contest:  
Whate'er is best administered is best."

"If this only means that the best administered government is the best administered, then, in Swift's phrase, he has cracked a nut to find a worm. But if it means that the best administered government is also the best kind of political constitution, then the saying is fundamentally false; for the example of a good reign is no proof that the State is well constituted." Some of the Roman Emperors, like Titus, were good; others, like his successor Domitian, were absolutely bad and unfit to rule. And as Domitian's

unfitness was well known beforehand, a good constitution would have rejected him. It follows that the Roman Empire, though it was well administered at times, was not well constituted. It was a good government under Titus, a bad government under Domitian, but a bad *form of government* under both.

Kant, therefore, had come to see how important it is that States, if they are to join in a League of perpetual peace, should have good constitutions ; and he held it to be a sacred duty of the inhabitants of all States to work steadily by peaceful means for the improvement of their constitutions. He deprecates revolutionary proceedings. "It would be absurd to demand that every imperfection should be violently altered on the spot."

A republican or representative system of government is not only desirable in itself, springing as it does from the pure fountain of justice ; it also offers the best prospect for the attainment of perpetual peace. For under this constitution the consent of the citizens must be gained before war can be entered upon, the right to declare war being vested in the legislature, not in the executive, so that in this vital matter the executive would be controlled by the representative legislative assembly. And this being so, "nothing is more certain than that they would think very seriously before setting out on so bad a business." For a people to declare war would be to declare miseries against themselves—themselves to fight, themselves to pay, themselves to repair the devastation left by the war, and, to crown all, themselves to shoulder the burden of the debts contracted during the war. In States where the citizens



have no votes war may be undertaken with a light heart by a ruler who is the proprietor of the State, and not a citizen. A war will not interfere in the least with his feasts, his hunts, and his other amusements. On the contrary, he will regard it as a kind of picnic; and if for the sake of appearances some justification is deemed necessary, the tyrant may trust his diplomatic corps, always zealous and well furnished with suitable pretexts for such occasions. Thus Kant in prose declared as plainly as Cowper in verse against kingly war. It is not fit nor can it bear the shock of rational discussion that one man

“Should when he pleases, and on whom he will,  
Wage war, with any or with no pretence  
Of provocation given or wrong sustained.”

You will now have anticipated the second Definitive Article of Kant's perpetual peace, the peace of Königsberg as contrasted with the peace of Basle. *The law of Nations shall be grounded in a federation of free States.*<sup>1</sup>

As among masterless men, wrote Hobbes, more than a century earlier, in his famous book the *Leviathan*, there is perpetual war of every man against his neighbour, so it is with States and Commonwealths: “they live in the condition of a perpetual war, and upon the confines of battle, with their frontiers armed and cannons planted against their neighbours round about.” This melancholy

<sup>1</sup>“Das Völkerrecht soll auf einen Föderalismus freier Staaten gegründet sein.” Such a constitution, as he has already explained, would be a “rechtliche Verfassung, nach dem Völkerrecht der Staaten in Verhältniss gegen einander.”

truth was the starting point of Kant's proposal. As lawless neighbours injure one another so do lawless States. As lawless men for the sake of security enter society and submit themselves to municipal law, so should States enter an international society and submit themselves to an international law. This would give rise, not to a new nation, but to a federation of nations, not to a new State, but to a federation of States.<sup>1</sup> A loose confederacy of civilised States, which is the uttermost degree of political union that wise men can hope for (perhaps the most they can desire) in the near future, would not be an absolute guarantee against war—the most perfect municipal system of justice and police does not absolutely secure the individual members of a State from being murdered—but it would be at least a mighty breakwater against national ambitions and passions, and would form an invaluable haven of refuge for small nations. But will Sovereign States consent to bate a jot of their sovereignty, however great and preponderant the advantages? Certainly some of them will be reluctant to enter the empire of law and peace. For a sovereign to acknowledge a superior is to consent to a diminution of his title. It is a loss of "majesty." Kant compares this attitude of States, the assertion of their right to do wrong, whatever suffering it entails on them and their neighbours, with the attachment of the savage to lawless liberty. That attachment we civilised men regard with cultivated horror and contempt. It is a sign, we think, of brutal ignorance—the hall mark of

<sup>1</sup> "Dies wäre ein Völkerbund, der aber gleichwohl kein Völkerstaat sein müsste."

barbarism. But are not we also savages when we pass from judging the relations of individuals to judge the relations of States, from domestic to foreign policy? Every civilised State, like every uncivilised savage, thinks its "majesty" postulates independence of all external authority, freedom from all external law; and civilised rulers make it their proud boast that without exposing their own persons they can nod thousands of men to death for causes in which those thousands are totally unconcerned. The principal difference, Kant concludes grimly, between the European and American savages, is that whereas whole tribes of the latter are eaten up by their enemies, the former find a better way with their foes than serving them up at table: a European State prefers to make its conquered foes into "loyal" subjects, and so by increasing the military material at its command to enlarge the scope and scale of its wars. Yet the word "right" was still applied to wars and foreign policy. Unctuous quotations from Grotius and Puffendorff and Vattel were the homage paid by unjust aggression and ignorant passion to wisdom, moderation, and morality. Though justice slumbered, it commanded already the lip-service of mankind, and would in time be mistress of their conduct as well as their tongues.

A cloud of witnesses might be gathered to justify Kant's sublime confidence in the future. But no more cogent evidence could be required than the fact that the third and last definitive article of his imaginary convention has already been carried out by the universal consent of the civilised world. That article declares the right of all men as citizens of the

world to universal hospitality. Kant thought a treaty would be required in order to enable travellers to visit foreign countries without incurring the risk of imprisonment or persecution. We can hardly believe that a century ago a right we now all treat as a matter of course still required to be established. It is interesting, in conclusion, to note the philosopher's opinion about the way in which this international confederacy, so plainly prescribed by reason and morality, was likely to come about. "If fortune so orders it that a mighty and enlightened people can form a republic (which by its nature is inclined to perpetual peace), this would serve as the centre of a federal union which other States might join, and so a system of freedom based upon international law would be built up among States, and would gradually be extended, as more and more unions of a similar kind came into existence."

From a sketch, necessarily short and defective, of projects for the federation of civilised powers it may be useful to turn in conclusion once more to the practical question, whether by such means we can ever hope to see permanent peace established. Thirty years before the perfection of the Federal Union of the United States, and fifteen years before the Declaration of Independence, Rousseau declared that if ever mankind is to be relieved from the evils of war it will most likely be by some form of confederative government—which, uniting peoples as a State unites individual citizens, will place States and governments under the rule of law. At a time when Europe looked largely to antiquity for its models, the federal form seemed to be inadequately

supported by the Amphictyonic Council and the Leagues of Lycia, Achaea, and Etruria.

On the other hand, the authority of the *Esprit des Lois* could be cited with effect. It is very probable, wrote Montesquieu, that all mankind would in the end have been obliged to live under the rule of a single person, had they not contrived a kind of constitution which unites all the internal advantages of a republic with the external force of a monarchy. A confederate republic, according to the definition of Montesquieu, is a convention by which several smaller States agree to become members of a larger one. It is a kind of assemblage of societies that constitute a new one capable of increasing by means of new associations, till they arrive at such a degree of power as will provide for the security of the united body. Such a republic may support itself without internal corruption, and its form prevents all manner of inconveniences. For example, if one of its officers attempted to usurp authority and make himself tyrant, he could hardly have equal authority and credit in all the confederate States. Were he to gain predominance in one the rest would be alarmed. Were he to subdue a part, the States which remained free could subdue him with independent forces before he was settled in his usurpation. Should an insurrection occur in one State the rest can quell it. Should abuses creep into one part, they can be reformed by those that remain sound. The State may be destroyed on one side and not on the other; the confederacy may be dissolved and the confederates preserve their sovereignty. In fine, "as this



government is composed of small republics, it enjoys the internal happiness of each, and with respect to its external situation it is possessed, by means of the association, of all the advantages of large monarchies." It is not surprising that Alexander Hamilton, the father of the American Union, should have appealed in *The Federalist* to this striking passage as a luminous abridgment of the principal arguments in favour of the constitution for which he and his friends were then pleading with so much craft, learning, and eloquence.

In other parts of his work, it is true, Montesquieu, with his eye on Switzerland and Holland, expressed the opinion that a confederate republic could only govern a small extent of territory with success. But in the passage I have cited from the first chapter of his ninth book no such restriction is indicated, and the example of America abundantly proves that there are no territorial limits to the application of the federal scheme, which indeed upon the principles enunciated by Montesquieu is specially adapted for the largest areas, inasmuch as it enables each of its members, however small, to enjoy the advantages of greatness without relinquishing individual existence and autonomy. If any further objection could be urged on this head to a project like that of the Abbé de Saint-Pierre it would be disposed of by the following very obvious consideration.

Travelling is now at least five or six times as cheap and rapid both by sea and by land as it was in the eighteenth century, and the telegraph positively annihilates distance. Is it too much to say that the

mechanical power of administration has been multiplied by ten ; that it is as easy to govern ten square miles now as it was to govern one square mile in the days of Montesquieu ?

A more serious objection to the confederation of Europe is undoubtedly the diversity of its systems of government. It was the existence of so many oppressive tyrannies and the fear that Saint-Pierre's project would have made them secure against revolution that induced Rousseau finally to condemn the project as perhaps on the whole at that time undesirable. Liberty is even more necessary than peace, and a union which should guarantee tyrants in their odious authority, and perhaps reconcile their peoples to slavery by improving their material prospects, might be premature and productive of more evil than good. The same reflection evidently weighed with Kant. And it is the peculiar excellence of Kant's great essay that it recognises the necessity for true republics and representative institutions as the basis for a confederate union of Europe. No one who studies the origin of the American Constitution in the pages of *The Federalist*, or compares the constitutions of the older States with that of the Union, can fail to see how carefully the authors of the Union based their articles upon institutions which had already been tried and proved. All the features of the American Constitution may be said to have been borrowed, as they were defended, from State analogies. The Union was intended to be an assemblage and fusion of the excellences of its members. And this would have been impossible had they not all been of a more or less democratic type.

From this point of view no one can deny that Europe to-day presents a far more favourable theatre for the operation of republican or representative principles of government than it did in Rousseau's life time or indeed in any previous period of history. When Rousseau wrote, the peoples of France, Italy, Austria, Spain, and Germany were all governed on absolutist principles by great kings or petty despots. In all these countries representative assemblies are established, exerting in the last three an important influence and in the two first a controlling force. Moreover, parliamentary government is now firmly established in Hungary, the Netherlands, and Scandinavia. More than half of the European territory then under the cruel tyranny of Turkey is now divided among the Greeks, the Roumanians, the Servians and the Bulgarians, who all enjoy under their constitutions a degree of liberty, order, and prosperity that could hardly have been dreamed of a century ago. The case of Poland is perhaps the least favourable. Its partition was the great crime of the eighteenth century. But we must remember that the ancient government of Poland by the Polish aristocracy was most oppressive; and if we look at the masses of the Polish and Ruthenian population in Austria and Prussia, we shall probably conclude that there is more both of economic and political liberty than existed in the old kingdom of Poland before its dismemberment. But what of Russia? It cannot be pretended that Russia has fulfilled the promise of the reigns of Peter the Great and Catherine. But, after all, the serfs have been emancipated, and in the Zemstvos (the county or provincial councils of Russia) the upper and middle

classes are learning the use of representative institutions and the practice of local self-government. Is it fanciful to look forward to the establishment within the next few years of a parliamentary, or possibly of a federal, constitution for European Russia at least as popular in form and spirit as that of the modern German Empire? When that great day of enfranchisement arrives the most serious of existing obstacles to the project of a permanent peace in Europe will have been removed. For all the people of Europe will then be able to send real representatives to a European diet and congress, and it would be possible—though it might not be deemed necessary or desirable—for popular elections to be held all over Europe in order to elect the members of a European parliament to discuss common interests, to arrange compromises, to settle controversies, to improve commercial relations, and to regulate the foreign policy of the union.

*Arbiter.* You have cleared away several difficulties. The objection that Europe is too large for federation is disposed of by the case of the United States, as well as by the modern constitutions of Canada and Australia. The example of Switzerland proves that diversity of language is no bar to political union. The advantages of common action are more and more evident, and I think we may say they are more and more recognised, as the cost of armaments becomes more burdensome, as the distaste for conscription grows, and as the demand for social and reproductive expenditure becomes more and more pressing. But do you think that Europe is sufficiently homogeneous as yet for the adoption of even the loosest imaginable



form of federal government? Pray, give us your opinion on this point before you perorate.

*Clarke.* My peroration, as you call it, is directed to that very question; but I do not feel competent to express a strong opinion. Political prophecy is the most gratuitous form of error; but the friends of peace who have seen the rapid drawing together of nations during the last half century may confidently expect the process to continue at an accelerated speed. A federation of Europe, and ultimately of the world, are possibilities; but who can predict the precise means by which commerce will secure itself against war, and liberty against armed violence? Apart from open and public confederations ties less apparent but not less real are everywhere forming between individuals in all parts of the world. Nothing is more astonishing than the extent to which its different parts already depend upon one another for the comforts and necessities of life. The poorest and most backward nations are in an economic sense the most independent, but almost every country is rising in the scale and signing fresh pledges of a peaceful disposition. Every philosophic student of history must be struck by the ever-growing resemblance in manners, morals, laws, dress, diet, and customs. Thousands of well-to-do people of all races and languages are continually travelling in all parts of the world for pleasure and profit, studying and exchanging ideas, buying and selling. Every great city has its great hotel filled with tourists and commercial travellers—a sort of international club house. It is surely true that the civilised powers of the world, including the United States, Canada, and some of the South American Republics, Japan, South



Africa, and Australia are far more closely united by the ties of commerce, science, art, and law than was Europe in the middle of the eighteenth century. I feel sure this is so, and that there is more community of political ideas between them, and therefore more capacity for common action, than there was between the powers of Europe in the eighteenth century. If you doubt this compare what was done by international conventions and international action in the nineteenth century with what was effected by the common action of Europe in the eighteenth. Yet political writers at that time recognised the existence of a European society. The powers of Europe were held to form a sort of system; united by the same international law, by commerce, manners, and customs they were supposed to have a common interest in repelling the Turk, and in preserving what was called the balance of power. If there was already enough of common sentiment in the seventeenth and eighteenth centuries to authorise utilitarian projects of confederacy, how infinitely more promising is the political material that awaits the Sully, the Penn, or the Saint-Pierre of the twentieth century.

*We all thanked Clarke very earnestly for a discourse which had put us on more intimate terms with so many great projectors of enlightenment and progress. Presently Case said :*

I quite understand why you ended with Kant. It would have been invidious and almost impossible to select from the names of latter-day projectors. But that last sentence of his reminds me of the concluding words in a volume of lectures by the late Henry Sidgwick. He had been speaking of federal

politics ; and it struck me as remarkable that so cautious a thinker should have committed himself to a prediction regarding future political developments. "We have seen," he said, "a tendency in recent times to the formation of larger political aggregates in Europe ; and we have in North America an impressive example of a political union maintaining internal peace over a region larger than Western Europe. I therefore think it not beyond the limits of a sober forecast to conjecture that some further integration may take place in the West European states : and if it should take place, it seems probable that the example of America will be followed, and that the new political aggregate will be formed on the basis of a federal polity. When we turn our gaze from the past to the future an extension of federalism seems to me the most probable of the political prophecies relative to the form of government."<sup>1</sup>

*Meyer.* Is there any other Englishman besides Penn to whom the project of federating Europe has seemed desirable or feasible ? A political undertaking such as this is something like an Atlantic combine. The city would not look at a prospectus signed by Jean Jacques Rousseau and Immanuel Kant, even if it were backed by Benjamin Franklin. Penn's name would be good : but there would be an uneasy feeling that in such a matter a Quaker might possibly be subordinating business to philanthropy.

*Arbiter.* You are queer people in the city. But Jean de Bloch and Nobel were good business men, and they say Andrew Carnegie has a fair balance at the bank. It is no use mentioning Cobden and

<sup>1</sup> See the *Development of European Polity*, by H. Sidgwick, last page.

Gladstone, two of the finest heads for finance that England has produced. They stand with Turgot far above the bustle and smoke of the city.

*Meyer.* We have not quite forgotten them ; but we associate them with Free Trade, low taxes, and arbitration, not with this project of union.

*Clarke.* Then I am rather glad I have kept my best name to the last. It is the name of the boldest, the most practical, and the most successful of all political projectors, and of an Englishman to boot. I speak of the man to whom we owe more than to any other the reform of our franchise, of our poor law, of our municipalities, of our civil service, of our law courts, of our criminal code and legal procedure.

*Case.* Jeremy Bentham.

*Clarke.* Yes, the great Jeremy Bentham, of whom perhaps you will tell us more to-morrow. Nearly a century after Penn, Bentham proposed "a plan for a universal and perpetual peace." This plan rested, in the first place, upon a rational reform of foreign and colonial policy and a great reduction in military and naval armaments, to be effected by treaties with other Powers, and especially France. With these new principles he associated a project for the establishment of an international tribunal of arbitration, and also (this is what concerns us to-day) a convention setting up a congress or diet, which "might be constituted by each Power sending two deputies to the place of meeting ; one of these to be the principal, the other to act as an occasional substitute." This suggestion was written in the year 1789 ;<sup>1</sup> but it was not

<sup>1</sup> As appears from an editorial note by Bowring and a reference to a debate in the House of Lords.

published until 1843. Yet Bentham's proposals seem likely to be fulfilled almost to the letter. The Hague Convention has created the non-coercive arbitral tribunal, which was all that he asked for, and the Hague Congress, if it can be summoned at regular intervals, the creature of a convention and the creator of a tribunal, will closely resemble the congress or diet projected by Bentham. Bentham was as little concerned as Kant with the elaboration of machinery; he knew that, if the convention or treaty were once made, the assembly of delegates would be able to regulate its own proceedings. The only rule he thought it necessary to lay down in advance was that the proceedings should be public—a salutary principle very favourable to international democracy; for without it how can the constituent bodies criticise and control the action of their representatives? Bentham enumerates three powers with which his European diet should be invested. The first would be the right to express opinions. The congress would pass resolutions, report them, and cause them to be circulated in the dominions of each State. It may be said that the right of expressing a pious opinion is a very meagre power. Bentham thought otherwise. He maintained that it would be the duty of such a congress to express its opinion upon international controversies; and such opinions, he felt sure, coming from a recognised and respected tribunal, would have great weight and authority in guiding and fixing popular judgments.

To this power of reporting and circulating its opinions and judgments, Bentham would add that of putting the refractory State under the ban of Europe. His idea evidently was that, if once the diet were



established, its powers would grow. It would be far better that such an institution should derive its authority, not merely from the treaties or conventions which established it, but from the proof and acknowledgment of its utility. By wise decrees and just judgments it would establish a moral supremacy which no Power would care to question. A delinquent or recalcitrant State would probably submit, if it were threatened with the ban of Europe. "There might, perhaps," adds the philosopher with sagacious hesitancy, "be no harm in regulating, as a last resource, the contingent to be furnished by the several States for enforcing the decrees of the court." But he thinks the necessity would be obviated by the simpler and less burdensome expedient of introducing a clause guaranteeing liberty of the press throughout Europe, so that the Diet might easily give its reports and decrees unlimited publicity. As a proof of the force of opinion, Bentham mentions that when the King of Sweden commenced war against Russia he was forced to abandon it in consequence of the antipathy excited against it by a manifesto circulated among his subjects by the Russian government. The war appeared to the Swedes to be unjustifiable. "A considerable part of the army either threw up their commissions or refused to act; and the consequence was, the King was obliged to retreat from the Russian frontier and call a Diet."

*"That," added Clarke, "is really the end of my paper." We all laughed and adjourned to dinner, to find the soup cold. Case said it ought to have appeared on the "Menu," as "jus foedatum," a vile Latin pun, which the editor refuses to translate.*



## THE FIFTH DAY. FRIDAY.

### A PLEA FOR ARBITRATION.

#### I.

*As soon as we met together on Friday morning Case, assuming an almost judicial air, produced some formidable folio sheets, and began to read as follows:—*

Yesterday, throughout his discourse Austin assumed, rightly I think, that a certain amount of common feeling, of political and social harmony, is, if not a condition precedent to federation, at least a powerful force and impulse to an international concert. Similar considerations apply to international arbitration; but you can readily understand why it has been easier to establish a permanent international tribunal than a permanent international legislature. In the first place, resort to the tribunal may be, and in fact is, optional. In the second place, two nations are naturally more inclined to submit a particular difference to the adjudication of a third party, than to agree to federate, and to combine politically for a number of purposes. To my mind, the success of the Czar in convening a representative congress of the world is far more wonderful than the establishment by that congress of the Hague Tribunal. The spread of international arbitration depends, after the progress of

common-sense, more upon the ever-expanding empire of law, order, and commerce, than upon anything else; and undoubtedly, since the days of Montesquieu, not only have divergent systems of justice and law in all civilised countries been brought nearer, and many imperfections removed, but the principles of public and private jurisprudence have been sufficiently ascertained and agreed, to warrant us in expecting rapid and fruitful developments of international justice. Without attempting to carry further, my dear Austin, your analysis of the spiritual and commercial union of Europe, I should like to say a word or two about its history. Western civilisation, or if you prefer Rousseau's phrase, "the society of the peoples of Europe," has not always existed, though it has for a long time been increasing in intensity, and conquering fresh territories both in the East and in the West. Humanly speaking, there is no reason to apprehend its decline or disruption; for the causes which gave birth to it serve to maintain and strengthen it. Before the Roman conquests the tribes inhabiting Central and Northern Europe had nothing in common except savagery and barbarism. To a Greek of the age of Pericles a native of France or Germany or Russia was merely a barbarian, fit only for slavery, not to be distinguished morally and intellectually from an Indian or a Negro. But when Greece, falling before the might of Rome, civilised its conquerors, and the Romans subdued all Europe west of the Danube and the Elbe, a knowledge of the Latin language and of the Roman law was spread from Rome to Northumberland, and from Gibraltar to Vienna. Though all the executive and legislative power of the central government

remained concentrated in the person of the Roman Emperor, it was the policy of conquering Rome to communicate all civil rights to the conquered ; and in the third century A.D. the citizen of York, or Paris, or Cologne was pleased to call himself a Roman citizen. That is why, in the thirteenth century, the scholar or man of letters in York, Paris, or Cologne, wrote and spoke the same Latin language. The code of Theodosius and the Institutes of Justinian, like the poems of Virgil, and the patriotic verses of Claudian, helped to retard the dissolution of the empire and, with the aid of the Latin Church, retained for it a certain authority through the dark ages. Some think that the Christianisation of the Empire contributed to its fall. However that may be, it is certain that the Church in a sense perpetuated the empire, and took her place as the outward and visible token of European unity.

*Truelove.* Roman missionaries repaired the faults of Roman generals, and Rome triumphed by her priests when her troops had been beaten. Thus the Franks and the Goths, the Burgundians, the Avars, and the Lombards, recognised by degrees the authority of the Empire they had subjugated, and paid at least a show of homage to the law as well as to the gospel that came from Rome.

*Case.* Well ; I will allow that the church helped to keep alive the embers of civilisation until Charlemagne by his conquests, his laws, and his administration restored some of the faded glories of Imperial Rome. The Holy Roman Empire was only a half reality, but it saved the kingdoms of Europe from falling quite asunder. The possibility of

European reunion was never lost sight of, because the memory of Roman Europe was preserved by Church and Empire until commerce, art, and literature could forge stronger and less artificial links between the nations. Not only political dreamers like Dante, but subtle lawyers like Bartolus (who helped to draft the Golden Bull), gravely maintained that the Emperor was natural sovereign of the world and rightful suzerain of all the princes of Europe.<sup>1</sup> And from time to time this claim, like the rival claim of the Popes, was allowed by independent monarchs. As a matter of ceremony the right of the Emperor to precedence was unquestioned. The Pope never regained the authority he lost at the Reformation, and the Empire steadily dwindled in influence and renown from the time of Charles V. until it was extinguished by Napoleon. But law and commerce made good these breaches in European unity. With the aid of Greek philosophy and Roman jurisprudence the genius of Grotius formed out of the conflicting usages of European diplomacy and the better practices of the ancients a new code of international law; and "Rights of War and Peace" soon gained an authority which contributed vastly to improve the relations of States in time of peace as well as to mitigate the barbarities that were once regarded as the proper and regular

<sup>1</sup> Compare the following passage from Rousseau's *Extrait du projet de Paix perpétuelle* (1760), "Le respect pour l'Empire Romain a tellement survécu à sa puissance, que bien des jurisconsultes ont mis en question si l'empereur d'Allemagne n'étoit pas le souverain naturel du monde, et Bartole a poussé les choses jusqu'à traiter d'hérétique quiconque osoit en douter. Les livres des canonistes sont pleins de décisions semblables sur l'autorité temporelles de l'Église Romaine."

incidents of war. A century passed by. Then another philosopher, Adam Smith, by unfolding the true nature of commerce, placed the evils of war and the advantages of peace in a new light, and again the natural course of progress was powerfully promoted. I do not hesitate to say that the books of Grotius and Adam Smith have done more to quicken a sense of the solidarity of civilisation, and to open men's eyes to the wisdom of justice and the advantages of peace among nations than all the Popes and Emperors put together.

*Seymour.* Yet what could they have done but for the invention of printing?

*Case.* Ah, Captain, I see that you are still of the mechanical school. But you will have to come back to mind in the end.

*Clarke.* May it not be objected that you have painted the real unity of Europe in too bright colours, that national connections are not wholly advantageous, that there is another side to the picture? The ancient union of Europe, it may be argued, left so many points of contact and so many intricate and intimate relationships that in the course of nature quarrels and dissensions were certain to abound in the absence of a common chief and a recognised superior. A French wit once remarked that financial relations between relatives begin by being delicate and end by being indelicate. So, in the very intimacy of their associations, the members of the European brotherhood have found causes of dissension, and their frequent quarrels have often, by their bitterness and ferocity, challenged comparison with civil wars.



*Case.* But that train of thought would soon lead us along the pathway of unreality into the fogs of Hegelianism. Understanding provokes misunderstanding. The better a nation knows another, the worse they get on, and so forth. Let us beware of this false philosophy. I think the doubts you suggest have been prompted by Rousseau.

*Clarke.* Yes; and let me refer to the actual state of Europe as he found it in his day. Look, he cries, at our perpetual disputes, at the robberies, usurpations, rebellions, wars, and murders that daily desolate this noble habitation of wisdom, this splendid asylum of sciences and arts; think of our fine sermons and our ghastly proceedings; think how humanity pervades our maxims and cruelty our actions; think of the sweetness of our religion and the bitterness of our intolerance; think of our politics so reasonable on paper and so harsh in practice, of our rulers so merciful and our peoples so miserable, of the moderation of governments and the unrestrained cruelty of wars—meditate on all these things, and you will hardly be able to reconcile the sharpness of these contrasts; you will be tempted to conclude that this pretended fraternity of the nations of Europe is an ironical expression for their mutual animosity.

*Case.* Undoubtedly at that time, in the middle of the eighteenth century, the normal relationship between the Powers of Europe was still one of war. To provide men and money for war was still the principal occupation of statesmen; when the combatants were exhausted a treaty was made, which bore the character rather of a temporary truce than of a

lasting peace. The period following a treaty was the breathing space during which the happy family of Europe renewed its strength for a fresh broil.

We have fortunately passed from the stage in which peace is occasional to the stage in which war is occasional. But the fear of war with our European brothers, and the preparations for such a contingency, still plague our politics and drain our resources. With sentiment and reason so strongly on our side, it is obvious that something must be wanting. Dissensions and quarrels there always will be; but why should dissensions end in war? There are dissensions in Parliament, but there is no reason why debates should degenerate into free fights. And yet we know quite well that, without rules of procedure, no Parliament in the world would be able to do business. The difficulty of transacting national affairs in a Parliament of several hundred members, who have been sent there by their different constituencies often for the express purpose of opposing and thwarting one another, and are all eager to win glory and popularity in party warfare, has been overcome by the ingenuity of a long succession of Speakers and Parliamentary leaders. Equal ingenuity must be applied to the solution of international quarrels. Disagreement cannot be prevented; fighting can. The project of federation with a view to the establishment of a standing council on international affairs is one of the methods by which art may overcome nature. That was yesterday's theme. Another is arbitration, and that is the proper subject of my discourse to-day.

In my humble opinion, the mistake that writers on international arbitration most commonly make is

that of treating arbitration between States as an isolated fact, a subject to itself, whereas it is really a branch of a subject. To understand international arbitration you ought, first of all, to examine arbitration as it has been practised in civilised countries, investigate its origin, and discover its meaning and the purposes to which it has been put. But if I come before you as an innovator I hope to appease you as an antiquarian. You may shudder at my revolutionary methods, but you will be reassured when you find that they spring from a conservative reverence for neglected traditions.

The first system of arbitration deserving of notice is that of the ancient Greeks. Thanks to the speeches of Demosthenes and other Attic pleaders we know most of the systems in vogue at Athens, where there flourished what modern jurisprudence would call a Court of Reconcilement. Aristotle in his *Rhetoric*,<sup>1</sup> as an example of a metaphor that is appropriate without being obvious, cites a passage from Archytas in which the poet compares an arbitrator to an altar, meaning that he is a refuge for the injured. The functions of an arbitrator as conceived by the Greeks were distinguished from those of a judge in various ways, but principally in this, that whereas the judge was required to interpret the law strictly, an arbitrator might decide individual cases on their merits. Again, a judge was appointed by law, an arbitrator by agreement between the parties.<sup>2</sup> Further, to mark another

<sup>1</sup> Book ii., c. 2. Cp. 1. 14.

<sup>2</sup> Cp. Aristotle's neat distinction, δικαστὴς καὶ διαιτητὴς διαφέρει. Δικαστὴς μὲν γὰρ ἔστιν ὁ κατὰ νόμον αἰρεθεὶς κριτής· διαιτητὴς δὲ ὁ κατὰ συμφωνίαν αἰρεθεὶς συμβιβάσεως χάριν.

advantage of this early substitute for litigation, there was no appeal from an arbitral award. The submission was generally a written agreement, to which was annexed an engagement by third parties to be sureties for performance.

The Greek name for arbitrator was *δαιτητής* from *δίατα*, a word that had two senses, first "mode of life," whence our English diet, secondly "arbitration." Is there any connection between the two meanings? Varro, the Roman antiquarian, said that *δίατα* was connected with the Latin *dies*, our "day."

Stephanus, in his Thesaurus of the Greek language, explains the use of *δίατα* for arbitration rather quaintly, after premising that nobody has yet been able to explain it: "If I may be allowed to break silence in a question of such uncertainty, I should venture upon the guess that *δίατα* came to be used for arbitration by a metaphor. Just as medical men prescribe a fixed *diaeta* [*i.e.* regimen or diet] to their sick patients, so arbitrators prescribe a fixed line of conduct, a diet of rules and conditions, to those who quarrel, by following which they are restored to peace and concord." This derivation is grotesque; but if we follow out Varro's hint we shall find the real connection. Both uses of *δίατα* have to do with "day," and can be amply illustrated in the English tongue. For *diet* also signifies a federal council or representative body, and was the original word used both by our ancestors and by their French neighbours for the old assemblies of Germanic princes. Now one of the chief functions of the Germanic diet undoubtedly was, by arbitration and other means, to preserve peace in Germany. Diet is the English, French, and Italian

equivalent for the German "Tag" as in Reichstag, Landtag, etc. As "Tag" is the German for day, "imperial diet" is an exact rendering of the old Reichstag, which was succeeded by the Bundestag of the German federation.

The explanation of the double meaning, which by more than a coincidence attaches to Greek *διαίτα*, French and English diet, German Tag and English day, is no doubt that councils and arbitrations had daily sittings and that councillors and arbitrators were often paid by the day. The best English philologists agree that "daysman," the old English word for arbitrator or umpire, is the man who names a day for his decision. The word still lingers in the north of England.

*Browne.* How far back can the word be traced?

*Case.* To the *Doomsday Book* I suppose; Dr. John Cowell at least held that to be a judicial use of "day." But the earliest instance I have is from the Churchwarden's accounts of St. Dunstan's, Canterbury, for the year 1484. "Spent at the dayng betwene Baker and the paryshe." The verb to "day" is quite common in sixteenth century English, though you seldom come across it in the law books, which preferred French words. It was used by Lady Nicolas Bacon in her authorised English version of Bishop Jewel's famous Latin Apology for the Church of England (1562);<sup>1</sup> and the translators of the Bible, with their usual happy choice of the vernacular, make Job thus confess the impossibility of a controversy with God: "He is not a man, as I am, that I should

<sup>1</sup> "Our doctrine hath been approved too long to be put a daying in these daies." The pun recognises the double meaning.



answer him, and we should come together in judgment. Neither is there any daysman betwixt us that should lay his hand upon us both."

From this little digression, which I trust you will pardon—for some indulgence is always extended to the discoverer—I return to arbitration. I left it in Greece, and I wish I could tell you how it found its way to Rome. Was it indigenous, or was it like so many other Roman institutions a loan from the Greeks? Probably some rude form of arbitration was indigenous. The word arbiter is a very old Latin word. It probably means a man "who goes about" or a man "who is approached."<sup>1</sup> In either case it implies proximity to the litigants or to the matter in dispute. In popular Latin arbiter often means "witness." He is the primitive type of juryman neighbour "de visneto," who has viewed the scene, knows the circumstances and the parties, and will take account of all the surroundings of the case, whereas the judge is led by instructions and pleadings into a judgment in strict law (*jus strictum*).<sup>2</sup> Thus arbitration from the first was a discretionary as distinct from a strictly legal judgment (*judicium*). And pray note that it began with the very class of disputes for the solution of which international arbitration in its early stages has been most commonly and fruitfully employed. I mean boundary disputes. In the Twelve Tables three arbiters were appointed to settle disputes about landmarks and the boundaries of property. Generally speaking, it is clear that the more indefinite a claim

<sup>1</sup> From *ad* and *betere* or *bitere*.

<sup>2</sup> See Greenidge's *Legal Procedure of Cicero's Time*: Oxford, Clarendon Press, 1901.

was in Cicero's time, the more suitable it was felt to be for compromise and adjustment by arbiters.

"The arbitration of a good man" came to be a regular expression in Roman law. To act as a good arbitrator would tell you to act was to act "reasonably," like Aristotle's  $\hat{\omega}$   $\alpha\nu$   $\acute{o}$   $\phi\rho\acute{o}\nu\iota\mu\omicron\varsigma$   $\acute{o}\rho\acute{\iota}\sigma\tau\epsilon\iota\nu$ . The *boni viri arbitratus* was the standard of proper conduct or fair judgment, and the Roman law often applied the standard literally by referring a claim for damages or compensation to the arbitration of a good man.

Upon the whole, then, we may say that the Roman idea of arbitration, though indigenous, was developed with an eye upon the Athenian system; in this, as in so much else, Greek ideas have been spread over Western Europe under Roman names and forms. For a full account of it in its final form you must read Justinian's *Digest*.<sup>1</sup>

The Roman jurists set forth almost all the advantages and defects of arbitral procedure. Its chief superiority over legal proceedings they reckoned to be the exclusion of appeals. Its disadvantages were excess of authority, the neglect of form, and the danger of partiality. Also they complained that it fostered two systems of judicature where one should be sufficient. This last objection, whatever it may be worth, does not apply to international arbitration, which is a substitute, not for legal proceedings, but for war.

One other point I must mention before leaving ancient Rome. In good Latin arbiter is the only word for arbitrator. Their awards (*sententiae*), said Cicero,

<sup>1</sup> *Dig.* iv. Tit. 8, with 52 extracts. There is an elaborate comment upon it by Gerard Noodt, *Opera*, ii. p. 135.

proceed not from strict law, but from considerations of equity. Seneca says that an arbiter is not swayed by law and justice, but by the promptings of humanity and pity. In mediæval times we find that the word arbitrator has come into use, and that two distinct types of arbitration are recognised. The arbiter (French *arbitre*) was supposed to decide according to law, and even to follow legal rules of evidence and procedure. The arbitrator (French *arbitrateur*) was to follow the dictates of his own judgment and conscience without any regard to law. A French authority of the fifteenth century, Bouteiller, even mentions a third type between the two—the *appaiseur* or *aimable compositeur*, who was bound by the agreement between the parties, that is by the terms of the compromise.

*Clarke.* Is the triple distinction found in other countries?

*Case.* No, I think not. Du Cange defines “arbitrator” simply as “amicabilis compositor.” He adds that in France *arbitrateur* and in Spain *arbitrador* have the same signification, and quotes chartularies of the fourteenth and fifteenth century in which you get “arbitrateurs ou aimables apaisenteurs” and “arbitrateurs ou aimables appaiseurs.” But Du Cange distinguishes quite clearly between arbiter and arbitrator. The first, he says, is a judge’s substitute, and must decide by legal rules. The difference between an arbiter and a judge is that there is no appeal from the arbiter’s decision, and that his decision is called an *arbitrium*, whereas a judge’s decision is a *judicium*. On the other hand, “*Arbitrator est* (I quote Du Cange’s definition) *qui non servato juris ordine cognoscit et definit amicabilem inter partes: et pronuntiatio ejus dicitur*

*laudum*<sup>1</sup> (not *arbitrium*): *et ab hoc potest appellari, et illud peti reduci ad arbitrium boni viri.*"<sup>2</sup> *Aimable compositeur* is still a term in French law, or was, apparently, in 1884, when Du Cange was last brought out.

*Ego.* Pray who, or what, is Du Cange?

*Case.* Both; a person and a thing. The person was an incredibly industrious French antiquary of the seventeenth century. The thing (from which I quote) is his wonderful glossary of middle and low Latin. You will find there that a common form of reference in the middle ages was to refer a matter in controversy to an arbitrator chosen by the parties who might decide either by strict justice or equitably by way of compromise, "*tanquam in arbitrum, arbitratorem, seu amicabilem compositorem.*"<sup>3</sup>

*Arbiter.* You have not told us anything about arbitration in Germany.

*Case.* No; I am coming to it by way of the language, which is the best clue to the history of an institution so elastic and evasive as arbitration. Following out the history of such words as *Schiedsleute*, *Schiedsmann*, and *Schiedsrichter*, the man or judge who terminates a strife (*Schied* is an old word for *Grenze* or boundary), one is led to suppose that the forms of arbitration came

<sup>1</sup> Du Cange gives examples of *laudare* = to award, *laudator* = arbiter, and *laudum* = *sententia arbitri*. This curious word "*laudum*" is therefore a low Latin derivative from *laus*, meaning a decision agreeable to and therefore *praised* by both parties, or more probably a decision to which both parties have assented.

<sup>2</sup> "An arbitrator is not bound by legal rules of procedure; he makes a friendly award between the parties; it is called *laudum*, and you may appeal from it to have it corrected to the award of a good man."

<sup>3</sup> Cp. a reference A.D. 1323 to John, King of Bohemia and Poland.

into Germany as into England with the Christian, or rather, as one should say in this connection, with the Roman Church. Two early uses of Schiedsleute, quoted in Grimm's *Wörterbuch*, refer to arbitrations to which Bishops were parties. In one "Schiedleute" settled a quarrel between the Bishop and the Town Council of Strassburg; in the other they ended a war between the Count of Pfirt and Bishop Otho. Clearly a Schiedsman, sometimes called a Friedensmann, was a peacemaker. His business, like that of the French *aimable compositeur*, was to compromise a dispute and leave the parties friendly.

*Arbiter.* Now, Meyer.

*Meyer.* I'm afraid I can't contribute. I have forgotten the little German literature I knew. I only remember a proverbial saying:

"Wer sich als Schiedsmann zwischen Zänker<sup>1</sup> stellt  
Verliert die guten Worte und sein Geld."

*Truelove.* I can cap your quotation with a couplet from Herder about Catherine:

"Monarchinn, Mutter, Kaiserinn  
Europa's Schiedesrichterinn."

*Case.* That reminds me of one little proof, or indication rather, that arbitration was introduced into Germany by the Church. The word "Schiedmännin" (*sic*) occurs in Maater; *i.e.* arbitratrix is almost as old as arbitrator. It was the Church, you will remember, that allowed women to be arbitrators. The intention of German arbitration is given in *Teretentius deutsch* (1499), 79; "ein mitler ist ein Schidman, der zwüschen zwegen spänen oder zwytrachten fryden

<sup>1</sup> Wranglers or brawlers.



findt, und dadurch fründtschaft macht, darumb das er beden partyen gnäm ist."

Now, having gone thus far in Germany, I must say another word or two about popular arbitration in England. The English people were always fond of fighting and litigation; but they seem to have felt the evils of both more keenly than other European nations. Anyhow there were two real English words for arbitrator. The first was "stickler," so-called because it was his duty to put his stick between two combatants and stop the fight. The modern etymologists, I believe, prefer to derive it from Middle English "stighthen," which meant to dispose or order. A stickler seems to have been a regular attendant at a duel, or at any country bout. Ben Jonson talks about "the liberty to choose his stickler" as a guarantee of fair play. The stickler was a sort of umpire to see fair play, and to part the combatants when they had had enough. Here is an old sentence to illustrate the true meaning of the word: "I stickyll betwene wrastellers or I parte folkes that be redy to fyght." But it gradually acquired a general meaning, and Cotgrave, in 1650, gave *arbitre* as the French equivalent for *stickler*, just as in another place he gave *arbitres* for *dayesmen*.<sup>1</sup>

Of *dayesman*, the other word, I have already spoken. "Daying" was a substitute for litigation, as "stickling" was a substitute for fighting. The dayesman parted litigants, while the stickler parted combatants. In an old play you may read:

"If neighbours were at variance they ran not streight to law;  
Dayesmen took up the matter, and cost them not a straw."

<sup>1</sup> Cotgrave's *English-French Dictionary*, ed. of 1650.

From this it would seem that the dayesman, as well as the stickler, could take the initiative. This distinguishes him from Greek *διαιτητής* and Roman *arbitrator*. Altogether, I incline to believe in primitive and indigenous forms of arbitration all over Northern Europe, the more so that in the Welsh tongue words for arbitration appear to abound.

The next question is how, on the fall of the Roman Empire in the West, it came to pass that the Roman rules and forms of arbitration were not finally swept away. Martin would be able to tell us how strongly the practice of arbitration flourished among the early Christians. It was one of St. Paul's complaints against the Corinthians that they preferred to go to law before the unjust and not before the Saints. Brother went to law with brother in the courts of the unbelievers. Was there not a wise man among them who could have judged between them? At first the customs of the early Christians to settle disputes in this way did not involve any formal procedure; but long before Constantine's conversion the Bishop's Court had become an institution,<sup>1</sup> which the authorities of the Church refused to give up, even when their original objection to the civil jurisdiction had been removed. The clergy therefore continued to be governed by the discipline and law of the Church, and thus there were in most countries two laws and two jurisdictions. Accordingly when there was a dispute between clerics and laymen, a conflict arose between canon and

<sup>1</sup>Cp. the *Didascalia Apostolorum*, a Syriac work of the third century, recently discovered and translated by Mrs. Gibson. Chapter xi. treats of the jurisdiction of Bishops and the duty of Christians not to go to law.

common law which could not well be decided either by a civil court or by a bishop. Arbitration therefore was a common and convenient resort. If discipline failed to heal a difference between ecclesiastics the Pope might be appealed to, but arbitration was also a frequent remedy ; and when a quarrel arose between a clergyman and a layman arbitration, being a ready means of adjudication, alike recognised and practically identical in Roman and canon law, was obviously a good way out of the difficulty. For neither party would care to submit to the law of the other. By referring a dispute to arbitration the clergy avoided the danger of submitting to the State, while the citizen escaped the evils of clerical jurisdiction. But although, generally speaking, the Vatican smiled upon arbitration, it is noteworthy that Innocent the Third, in a General Council, prohibited the reference of spiritual disputes to the arbitration of a layman.<sup>1</sup> With the advent of barbarism and the temporary disappearance of law, arbitration came more and more into favour. The canon law had practically adopted the civil rules, and the canonist, as Maitland says, was always ready to eke out Gratian with Justinian. What an important part arbitration played in the development of law and order in the Western Church in times when the civil laws of Rome were almost forgotten in Western Europe, appears clearly in the Decretals of Gregory IX., a great codification of the canon law, which was published in 1234 A.D. "De Arbitris" is Title 43 of the First Book of the Decretals. Of the fourteen chapters in this Title the first is general and declaratory, setting forth

<sup>1</sup> Quia non decet ut laicus in talibus arbitretur. From the Fourth Lateran Council, A.D. 1215.

the ancient decision of the African Council that when bishops determine to settle a dispute by arbitration either one arbitrator or three may be appointed, and that in the latter case it shall be arranged beforehand whether the award may be given by two (*i.e.* by a majority), or whether all three must agree.<sup>1</sup> When three arbitrators were appointed two were generally selected by the parties, and the third in some other way, so that he might be impartial. The third came to be called the umpire, or odd man (*impar*), whose decision was final. The second "chapter" is from a letter addressed by Pope Alexander the Third (1159-1181 A.D.) to the Archbishop of York. It is a decision pronounced, as we might say, by the Supreme Court of Appeal in Rome upon an unjust judgment given in a dispute about an English Church. And the Pope rules that an incorrect and sinful award cannot be valid.

Innocent III. (1198-1216) gave some important decisions on our subject. One, addressed to the Chancellor of Paris, declares that, in spite of the civil rule which prohibits a woman acting as arbitrator, nevertheless in countries where the custom is different, as in parts of France, and women of high rank exercise jurisdiction, no objection should be made to a royal arbitress<sup>2</sup> (*arbitratrix*) even on a question touching the

<sup>1</sup> "Si autem ex communi placito episcoporum, inter quos causa versatur, arbitros elegerint, aut unus eligatur aut tres, ut si tres elegerint aut omnium sequantur sententiam aut duorum." This concilium Africanum was held in Carthage, apparently in the fifth century; the decretal was taken from the collection of Dionysius, and is, so far as I know, the most ancient pronouncement of the Church on arbitration.

<sup>2</sup> Regina Francorum. See *Decretals*, i. 43, c. 4.

temporalities of the church, especially when her award is delivered in the presence and strengthened by the advice of bishops. This was in the year 1202. Here the canon law overrules the civil law, and our English judges have followed suit. It was decided in an early and interesting case in our courts that a woman—at least an unmarried woman—might be arbitrator, and that her award is as good as a man's.<sup>1</sup>

*Truelove.* See what the church has done for the emancipation of women!

*Case.* I may note in passing one of the curious results of the feudal system, with the restraints it imposed on the alienation of real property. Here in England for a long time, even down to the time of William and Mary, freehold was held not to be arbitrable. In that reign the Chief Justice arrived at the preposterous conclusion "that things in the realty may be submitted as well as things in the personalty; but that they cannot be recovered on the award." In Roman law the right to refer questions of property in land was never questioned; and boundary disputes were thought a very proper subject of arbitration.

Let us now turn from the ecclesiastical use of arbitration by the church to her influence in international affairs. Upon this subject I shall make free use of Ward's excellent work upon the law and diplomatic usages of nations. He finds a strong proof of the homogeneity of Christian Europe in the custom, which began to be pretty general in the twelfth century, of appealing to the Pope or to a neutral power when differences broke out between

<sup>1</sup> Duchess of Suffolk's case, *Year-Book*, 8 E. iv. 1.



western potentates; and this not only with a view to engage their assistance or mediation, but also from the idea that their connections were sufficiently close and their governing principles sufficiently similar to justify such a course. Thus in 1162 Pope Alexander recommended peace between the kings of France and England.<sup>1</sup>

In 1176 we have a remarkable instance of appeal and mediation in the course of a contest between the kings of Castile and Navarre. By the deed of compromise made between them, each party deposited four castles as a pledge that they would abide by the determination of Henry II., King of England. Each party was to send ambassadors to receive his judgment by a certain day; in the case of sickness, captivity, or death, either was to await the other's arrival for thirty days beyond the time appointed; and then, in default of appearance, the castles of the party responsible for the delay were to be forfeited to the other; but in the case of the death of Henry the ambassadors were to proceed (subject to the same agreement) to receive the judgment of the King of France.<sup>2</sup>

In the middle of the next century King Louis the Ninth of France became renowned throughout Europe as a fountain of impartial justice. His friend and biographer, the Sire de Joinville, gives a picture of the royal saint as arbiter. "The Burgundians and Lorrainers, perceiving the king's goodness and justice, were so loving and observant of him that they referred their differences to his arbitration. I have often seen

<sup>1</sup> See letter in *Rymer*, i. 21.

<sup>2</sup> *Rymer*, i. 43, and *Gesta Henrici* (Rolls Series), i. 138-154.

them come to him for that purpose to Paris and other places where the king was resident."

*Browne.* It is unfortunate that the saint's peaceful instincts were confined to the limits of Christendom. His crusade almost ruined France, and quite impoverished the Sire de Joinville. Nor did he repent of the folly, but continued an obstinate Crusader; only on his death-bed he charged his son: "Wage no war against any Christian, but by the counsel of many, and when war is unavoidable."

*Case.* I am not a whole-hearted admirer of Louis. His code of punishment was singularly ferocious. His superstition was abject. Nor is his most famous award remarkable for impartial wisdom. You will remember that in 1264 he sat in judgment on the differences in question between Henry III. of England and his barons. He had been chosen their umpire in form, and each party, the King and Queen in person, attended him in all due solemnity at Amiens. In his award Louis took a very high view of his authority as arbitrator, as well as of the kingly power; in the name of the Holy Trinity he annulled the famous constitutions of Oxford; decreed the restoration of the fortresses which had been put into the hands of the twenty-four barons, or rather regents, of the kingdom; and finally ordained that the King should be restored to all his legitimate rights.<sup>1</sup>

In the same century other forms of mediation and diplomacy were growing up. The famous quarrel between the Emperor Frederick II. and the See of Rome was discussed in appeals and letters to the chief potentates of Christendom, as well as by arms. The

<sup>1</sup> See these and a number of other articles in *Mat. Par.* 668.

letters of the Emperor, particularly those to the King of England, were very like the modern manifesto or State note. In 1334 a treaty having been entered into by the King of Bohemia and other princes of Germany with the Duke of Brabant, under the mediation of Philip of Valois, the latter styled himself at the head of the deed: "Nommé et élu juge, tracteur, et aimable compositeur, entre hauts hommes nos chiers amis," etc.

Of early appeals to international justice and public opinion the most striking and remarkable, perhaps, is that published at Westminster by Edward III. against John of France in 1356. It is addressed to the Pope, to the Emperor, and to all the princes, lords, and people of Christendom in general. He complains that people of that age wish to palliate their own faults by blasting the innocence of others; and he therefore believes it a duty he owes to God and to humanity to paint the King of France in his proper colours. He also justifies the King of Navarre from the infamy imputed to him in making a treaty to deliver up Normandy, by declaring before God and on the word of a king that no such treaty had been made.<sup>1</sup> This, it is added, was preparatory to the war he afterwards declared against France, and no transaction or manifesto of the most regular modern State can be more orderly or legitimate.

The next century saw the same sort of custom in the appeal made by the kings of Castile and Aragon to the arbitration of Louis XI. of France, in 1463; and from that time onwards the intercourse of European States gave rise to more and more treaties,

<sup>1</sup> *Rymer*, v. 852.

laws, customs, and usages, which prepared the way very slowly, but very surely, for the mutual confidence which has made international arbitration so successful in our own times.

The mediaeval instances of international appeals and mediations which I have quoted might be greatly multiplied. They arose, no doubt, as Ward remarks, in some measure from the tendency towards a certain order in affairs, which the institutions and political connections of Charlemagne had begun to generate, and also to the influence of the Pope in the Christian Republic. The authority of the Pope as the head of the Western Church was naturally great in very early times, for until Charlemagne established his empire the Pope was the only prince who could lay claim to any suzerainty over the other rulers of Europe. It may be said, therefore, that it was from the habit of appeal to the Pope that the custom arose of laying grievances before the Emperor and other potentates.

*Truelove.* When did the jurisdiction of the Pope begin to decline?

*Case.* I should say it was at its height in the twelfth century. It is of this period that Pollock and Maitland are speaking in their *History of English Law* when they say: "The whole of Western Europe was subject to the jurisdiction of one tribunal of last resort, the Roman Curia. Appeals to it were encouraged by all manner of means, appeals at almost every stage of almost every proceeding." Our English Bracton, they add, treats the Pope as the ordinary judge of every Englishman, and the only ordinary judge whose powers are unlimited.

*Truelove.* Yet only five centuries earlier a King of Northumbria threw a Papal Bull contemptuously into the sea.

*Browne.* And four centuries later our king became our pope.

*Case (continuing).* The habit of arbitration was fostered by the Holy Roman Empire as well as by the Church. Charlemagne had revived the awful name of Rome, and he had made the barbarous nations of Europe tremble once more before an imperial authority. In mediaeval Europe the secular authority of the Emperor was associated with the spiritual authority of the Pope. With the idea of a universal Empire there grew up the idea of a universal law, or of a law which, if not universally binding, was at any rate obligatory on all nations professing Christianity. Here again the tie between Rome and Germany, between Pope and Emperor, was apparent. The canon law, the distinctive law of the Church, was founded on the Roman law, and could only be understood by reference to the civil code. But where they differed, and a contradiction appeared, the authority of the canon law was for a long time deemed superior, especially in the period after Gratian's collection, which gave an improved form to the mass of ecclesiastical jurisprudence, and prepared the way for a papal code. As the learning of Europe was monopolised by the Church, and as a knowledge of Latin was necessary to the understanding of both the civil and the canon law the Church was easily able to strengthen her influence over the laws and institutions of Europe. Even in England, where the common law maintained itself, a concurrent



jurisdiction of equity based upon the civil and canon law<sup>1</sup> grew up and was administered by the Lord Chancellor, who was for a long time a dignitary of the Roman Church—the Keeper of the King's conscience. But general ignorance, the very cause which extended the civil jurisdiction of the Church, enfeebled that of the Crown. From the death of Charlemagne till the fifteenth century, when law and order began to be in a measure restored, the Courts of Judicature in almost every kingdom of Europe were ill constituted, disorderly, weak, and ineffective. Of the Courts of Germany in the twelfth century Pütter writes : “They were already reduced to such a state of disorder through the predominating practice of private wars and self defence, which during several centuries had been taking deeper root, that disputes were now much more frequently decided by private combat—or at least by the intervention of *Ausnegues* or Arbitrators—than by the legal decisions of a Court of Justice.” Thus disorder itself, destroying the authority of justice, forced peaceful men to take refuge in private arbitration for the determination of their controversies. But in Germany arbitration became a constitutional device as well as a substitute for legal proceedings between individuals. In the tenth and eleventh centuries the authority exercised by the Emperors in Germany was greater than that of the French Kings in France, or even (in Freeman's judgment) than that of the Norman Kings in England. But from the twelfth century onwards

<sup>1</sup> This is the view commonly held. But the first authority living disagrees. According to him all, or nearly all, that the *medieval* chancery *borrowed* was a summary procedure.

causes, which it is impossible here to explore, led to the consolidation of France and England, whereas in Germany the centrifugal forces gradually prevailed over the central authority. At the end of the eighteenth century, when John Stephen Pütter published his learned treatise on the historical development of the German constitution, although the Holy Roman Empire still existed in name and form, Germany was no more than a compound body of States very loosely associated by certain imperial and federal ties. In 1863, when Freeman wrote his book on Federation, the Bund had been substituted for the Empire; the contest for leadership between Prussia and Austria had not been settled; Germany was in no real sense a State; it was only a very loose confederation of States, which but rarely acted in common.

*Clarke.* The Germans express the difference very neatly. Before 1866 they say Germany was a Staatenbund, now it is a Bundesstaat.

*Case.* The Greeks could hardly have improved on that. What a wonderful language German is, if only their learned men would use it reasonably. Well, just as the absence of law and order and the general failure of justice forced individuals to fly to arms or arbitration, so it happened in the case of the princes and free towns of Germany. It was indeed a special function of the Emperor and of the Imperial Courts to settle disputes between the different States and cities of Germany. But the pettiest German potentate valued the right of "diffidation" and private war, and was reluctant to surrender any fraction of his power to the Emperor. When the imperial

authority was strong, especially in its earlier days, the smaller princes might be overawed ; but the intervention of a third prince as mediator was generally less unwelcome than that of the Emperor as judge and overlord. It was not uncommon for the contending parties, when they were weary of hostilities, to submit to the arbitration of some outsider, which in general succeeded better than if they left their cause to the uncertain decision of the Court of Princes or of the Aulic judge. And this sort of arbitration had come so much into vogue that by the beginning of the thirteenth century such arbitral awards were far more frequent than judgments pronounced by the Emperor or the regular imperial tribunal.

Moreover, many of the Imperial States made compacts with one another that if any dispute should arise between them it should be settled neither by war nor by complaint to the Emperor or his court, but by appeal to the intervention of a third State or by "vassals" nominated by both parties. This was termed "gewillkührte Austräge" or optional arbitration ;<sup>1</sup> and this custom of optional arbitration between States grew so common that it was frequently resorted to even without any prior agreement. It came to be considered almost a breach of decorum for one German prince to cite another before the Emperor unless the defendant had refused to submit to the arbitration of a neutral, and still worse if a prince refused to agree to a reference to arbitration. It

<sup>1</sup> See the *Statutes of the Imperial Chamber*, 1495, title 24, and Pütter's *German Constitution*, translated by Dorndorf, Book 2, ch. xii.

was also considered highly dishonourable to refuse to comply with an award. "Hence," writes Pütter, "arose a privilege which has been esteemed down to the present time (1790) as a jewel of great price by the princes and those among whom the custom is established—that such a person, when he is complained against, cannot be accused in the constitutional manner before the supreme tribunals of the Empire; but the accuser must first offer to compromise the matter by the intervention of a third prince, to be agreed upon by both the parties, or else by some other mediator. This is still termed "*das Recht der Austräge* or *Austrägalinstanz*; i.e. the right of the Germanic princes to resort to arbitration."

On my way from Germany to England, I am glad to pause for a moment in the land of Hugo Grotius. Oliver Goldsmith, who wasted some of his student days at Leyden, has described a Dutch institution with such enthusiasm in an essay on Political Frugality<sup>1</sup> that one feels sure it must have saved him a night in gaol.

The best and most useful laws I have ever seen, he says, are generally practised in Holland. When two men are determined to go to law with each other, they are first obliged to go before the reconciling judges, called the *peace-makers*. If the parties come attended with an advocate or a solicitor, they are obliged to retire, as we take fuel from the fire we are desirous of extinguishing. The peace-makers then begin advising the parties, by assuring them, that it is the height of folly to waste their substance, and make themselves mutually miserable, by having recourse to the tribunals

<sup>1</sup> In the *Bee*, No. v. 1757.

of justice: "Follow but our direction, and we will accommodate matters without any expense to either." If the rage of debate is too strong upon either party they are remitted back for another day, in order that time may soften their tempers, and produce a reconciliation. They are thus sent for twice or thrice; if their folly happens to be incurable, they are permitted to go to law; and as we give up to amputation such members as cannot be cured by art, justice is permitted to take its course.

*Arbiter.* You remind me of a description of his Province of Pennsylvania, which William Penn wrote in 1683 to attract emigrants. The "planted part of the Province," he said, had been divided into six counties, and Courts of Justice had been established in each. "But to prevent law-suits there are three peace-makers chosen by every county court in the nature of common arbitrators, to hear and end differences betwixt man and man."

*Browne.* I can cap your quotations from Goldsmith and Penn by a Scandinavian plan which another English traveller found established in Norway. I stumbled on it the other day in Mary Wollstonecraft's letters.

*Case.* Good. I have been told that there is something of the kind in Iceland; but I could not find it in the books.

*Browne (turning over the pages of a book).* I'm afraid the introductory sentences may jar on your nerves. They are not complimentary to your noble profession.

*Case.* Never mind. I'll try to bear abuse of the law for the sake of arbitration. We Good Templars find them equally lucrative.



*Browne.* When our heroine reached Laurvig after a glorious journey from Tonsberg through forests of beech, she was immediately disenchanted and bade farewell "to all the sentiments which ennoble our nature." For on her arrival at Laurvig she found herself in a group of lawyers, and thus described her sensations: "My head turned round, my heart grew sick, as I regarded visages deformed by vice, and listened to accounts of chicanery that was continually embroiling the ignorant. These locusts will probably diminish as the people become more enlightened . . . The profession of the law renders a set of men shrewder and more selfish than the rest; and it is these men, whose wits have been sharpened by knavery, who here undermine morality, confounding right and wrong."

*Case.* I'm not thin-skinned, but I confess to feeling a little hurt. "Confounding right and wrong" forsooth! But pray go on.

*Browne (reads):* "The Count of Bernstorff, who really appears to me, from all I can gather, to have the good of the people at heart, has lately sent to the mayor of each district to name, according to the size of the place, four or six of the best informed inhabitants, not men of the law, out of which the citizens are to elect two, who are to be termed mediators. Their office is to endeavour to prevent litigious suits, and conciliate differences. And no suit is to commence before the parties have discussed the dispute at their weekly meeting. If a reconciliation should, in consequence, take place, it is to be registered, and the parties are not allowed to retract. By these means ignorant people will be prevented from applying for

advice to men who may justly be termed stirrers-up of strife.”<sup>1</sup>

*Clarke.* Let me add from a favourite book of mine a much earlier example of the same sort of thing. In the long address of Democritus to the Reader with which Burton introduces his *Anatomy of Melancholy*, I read: “In Switzerland (as we are informed by Simlerus) they had some common arbitrators, or daysmen, in every town, that made a friendly composition betwixt man and man, and he much wonders at their honest simplicity that could keep peace and end such great causes by that means.”<sup>2</sup>

## II.

*Case.* I come to the second part of my paper, which perhaps requires a little preface of apology; for you may think it tiresome and technical. To my mind the establishment of the Hague Tribunal is the healthiest symptom of modern international law—I have heard a great lawyer call it “the one hope of mankind.” But just because it is a comparatively new arrival arbitration has been neglected in the standard text-books of international law. Your Hallecks and Halls, your Vattels, your Burmalakis, your Martens and your Heffters seem to entertain a sort of professional disdain for arbitration, just as modern

<sup>1</sup> Mary Wollstonecraft’s *Letters on Sweden, Norway and Denmark* Letter x.

<sup>2</sup> Burton’s reference is to Simlerus, *de Helvet. Rep.* lib. 2. Josias Simler (1530-1576) was a learned Swiss Protestant, one of Peter Martyr’s colleagues at Zurich. He was a considerable historian and antiquarian, and his little book on the Swiss Republic was often reprinted.

professors of economics have a distaste for the finance of war. Still more striking is the lack of any historical study of arbitration as a substitute for litigation, and this led me to hope by research in some of our old English law books at once to gratify a favourite hobby, and possibly, to gather fruit which had ripened in unseen or neglected corners of the legal orchard. Thus pondering, I found my way one afternoon to my favourite second-hand book shop, and, as luck would have it, the very first volume I took up was West's *Symboleography*. It was a book of note, and highly esteemed by practitioners in the first half of the seventeenth century. The contents of the First Part did not attract me; but in the Second Part, dated London, 1611, I noticed a special section on *Compromise and Arbitrements*. Turning at once to this I found Compromise defined as follows: "A compromise or submission, arbitrium, compromissum, submissio, is the facultie or power of pronouncing sentence between persons at controversie, given to arbitrators by the parties mutuall private consent, without publike authoritie."<sup>1</sup> If one substitutes international for public this definition will do equally well for the agreement or submission of an international arbitration.

After definition comes division. West continues: "Everie compromise is generall or speciall."<sup>2</sup>

*Compromise generall.* A generall compromise is of all quarrells, actions, executions, and demaunds, etc."

A few years ago one would have had to say that there was no example of a general agreement between nations to submit *all* disputes to arbitration, or even

<sup>1</sup> Cp. *Year Book*, 8 Ed. iv. 2.

<sup>2</sup> Dyer, 217, placit 6, 4 Eliz.

all disputes of a certain class. Now happily there are in existence many "compromises generall" between nations. Of the perfect and complete kind an example may be found in the treaties between Holland and Denmark, Chili and Argentina, Italy and Argentina, or that projected between Great Britain and the United States, but unfortunately wrecked by the Senate.<sup>1</sup>

*Compromise Speciall.* "A speciall compromise is every submission to order, which is not so generall, as when it is of certaine matters, factes, or thinges only, as of a trepasse, or of all actions of trepasse, or of a plaint or debt, or detinue, etc." . . . In international affairs a famous example of the "compromise speciall" was the submission of the Alabama claims. West then passes from the compromise or submission to the Arbitrator.

#### ARBITRATORS DEFINED.

"An arbitrator is an extraordinary judge which is chosen, and hath power to judge given to him, by the mutual consent, will, compromise and election of privat persons striving, to the end they may decide their controversies,<sup>2</sup> who because the controversie is committed to his pleasure and arbitrament is termed an arbitrator, and for that it is done by the mutual promise or compromise of the parties he is called *compromissarius judex*,<sup>3</sup> or a judge having cognisance by the compromise of the parties; his power is larger than any ordinary or extraordinary judge appointed by

<sup>1</sup> The late agreement between Norway and Sweden is another good example of a general compromise.

<sup>2</sup> 19 H. 6, 36.

<sup>3</sup> See Dyer, 36, 19 El. 39.

a magistrate, for an arbitrator hath power to judge according to the compromise after his own mind, as wel of the fact as of the law, not observing the forme of law; but the other judges are tyed to a pre-script forme limited to them by the law or magistrat, of which they be only executors, for which cause Tully saith well: *aliud est iudicium aliud arbitrium; nam iudicium est pecuniae certae, arbitrium incertae; ad iudicium hoc modo venimus, ut totam litem aut obtineamus aut amittamus; ad arbitrium hoc animo adimus ut neque nihil neque tantum quantum postulavimus consequamur*:—whence springeth this old saying, He that putteth his coat to daying is like to lose a quarter." The whole passage shows that Cicero does not make the distinction between arbitration and law depend solely upon the question whether the claim is for liquidated or unliquidated damages.

Of course the Roman Law was quite clear about this. It was not the duty of an arbiter to decide by strict law:—

"dicuntur *arbitri*, quia dabantur fere in causis bonae fidei, hoc est quae arbitrato boni viri, et ex aequo et bono aestimandae ac definiendae sunt; et in suis sententiis (quae ob id *arbitria* appellantur) adscribebant formulas ex fide bona vel quantum aequius melius sit dari, . . . quibus significatur sententias eas non ex stricto jure, sed ex aequitatis ratione proficisci."<sup>1</sup>

We now come to the choice of arbitrators. Again I follow the *Symboleography*. Their power is such,

<sup>1</sup> *Proculum. Dig.*, lib. 17, tit. 2, leg. 76.

Cp. Justinian, *Instit.*, lib. 4, tit. 6, "Dicitur etiam arbitraria actio cum in ea non restricte certum quid postulatur, sed id tantum quod aequius melius iudici videtur."



and so great and uncontrollable, that wariness must be used in the choice of them ; “in which two things seeme necessary to be regarded, namely, that the arbitrators be sufficient and indifferent.” First as to sufficiency : “such persons are to be elected as have sufficient skil of the matter compromitted, and have neither legal nor natural impediments to give an upright sentence.” West’s two examples, to show that a fool or simpleton may by chance give an excellent award, are amusing enough, but I am afraid you will say they are a little below the level of this subject.

*We all begged him not to spare our dignity; and he then read, to our infinite amusement, the two following tales :*

#### A FOOLES ARBITREMENT.

“An hungry beggar, espying dainty cheare in a cookes shop, hasted thither, and being sit doune did eat a small piece of his owne bread, and incontinently received such wonderful comfort by the sweet smel of the cook’s cates and sauces, whereof he tasted no bit, that he confessed his eager stomach was as well satisfied therewith, and had as good a repast as if he had indeed stuffed his paunch with the best cheere there; which the cook hearing straightways with a stern countenance bids the poor caitife pay for the breakfast, whereat the simple guest was mightily amased, and the crafty cooke so much the more earnest; in so much as this poore man and the cooke were content therein to abide the ward of him that should next passe by: no sooner was the submission made, but thither commeth a most notorious naturall foole, to whom as their judge they rehearsed the matter, which being heard the idiot caused the poore man to put so much monie between two basons as the covetous cooke exacted, and to shake them in the cookes hearing; which done this arbitrator awarded, that as the cooke had fed the poore man with the only smell of his cates, so the poore man should pay him therefore with the only sound of his coine, which sentence was highly approved of the hearers.”

The second illustration is called

A SIMPLE MAGISTRATES ARBITREMENT,

and is designed to show that even a borough magistrate may give the right decision.

“There was a certain covetous churle who sorrowed extremely at losing a purse with one and twenty Angels in it. But an honest man having found the same of mere conscience delivered it to the same churle who not once thanking him that was the bringer, fel to count his coin, and finding only twenty Angels in the purse with great rigour exacted the odde Angel; and because the honest man denied the finding thereof he convented him before the Magistrate of a Corporation, whose wealth and authority far exceeded his wit (as in such places commonly happeneth, for that affection and simplicity be their ordinary electors). The Plaintife sweareth, there were one and twenty Angels in the purse which he lost; the defendant that there were only twenty in that which he found. Whereupon the Magistrate pronounced that the purse found was not the plaintifes, and therefore adjudged him to restore unto the defendant the purse with twentie Angels, leaving the plaintife to good fortune for the finding again of his purse with one and twentie Angels.”

“I think,” adds West, “a man may trie a thousand fooles in the like case before he receive the like sentence.”

The question next considered by West is perhaps the most important and difficult of all. An Arbitrator must be *indifferent* in the old and good sense of the word—indifference or impartiality is the key to success in international arbitration. Too much care cannot be taken to obtain a good tribunal, though in this imperfect world we can hardly hope for a tribunal composed entirely of absolutely impartial persons. West’s answer to the question, *Who are indifferent arbitrators?* is worth citing. “And for indifferency it is good that the arbitrators be void of malice and favour

to either of the parties . . . ; for albeit, as it is said, an arbitrator hath herein absolute power, yet ought his judgment or censure to be sincere and incorrupt, according to right and equity, without malice, flattery, and every other vicious affection or perturbation which may in any sort lead him away from the right of justice and equity."

Modern lawyers in a very inferior idiom have expressed very similar views. The following, to take a single example, is the *dictum* of Sir George Jessel in a Chancery case. "It is a settled principle that no inferior tribunal, whether it be a judge, or arbitrator, or other judicial or quasi-judicial person, ought to be allowed to proceed in the hearing of a case which such judge or arbitrator is for any special reason unfit or incompetent to hear." A supreme international court would probably have set aside the Alaskan Award on the ground that the Government of the United States did not appoint suitable Commissioners. In English law, however, a distinction of some importance is for good reason drawn between named and unnamed arbitrators. If the arbitrator is named in the agreement, probability of bias, even if strong, is not ground for interfering with the execution of the award. To disturb the award actual bias must be proved.

#### THE QUESTION.

So much for the persons, now for the question or subject matter :

"The question is a thing in controversie declared to the judge or arbitrator to the end it may by him be decided."

"Every question is either about the fact or about

right," or about both; for it may be, and often is, what we call a mixed question of fact and law.

*The question of the fact* is when such a fact is enquired of as is doubtful.

*The question of right* is when, the fact being known, it is yet doubtful how much is thereby grown right and due to each party by law. West then asks, *What things are arbitrable and what not in English Law?* At that time "things certain," crimes, and freeholds were held not to be arbitrable. Finally an arbitrement or award is defined as "nothing else but the very doome order and decree pronounced by arbitrators upon the controversie for the ending whereof they were chosen by the striving parties." Of the five terms in the *Symboleography*—arbitrement, award, arbitramentum, laudum, arbitratus—award is the regular English word now for the judgment of an arbitrator. It comes from the old French. The Latin term arbitrium was used, if I am not mistaken, in a rather striking metaphor by Pliny the Elder, who called the Taurus mountain "innumerarum gentium arbitrium" because it divided so many realms and jurisdictions, and kept the peace like a boundary award between innumerable warlike tribes.

A century and a half after the appearance of the *Symboleography*, Sir John Comyns in his *Digest* (written in the reign of George II.) treats at length of arbitration under the title of *Arbitrament*, which he defines as "the judgment or decree of persons elected by the parties to arbitrate of the things submitted to them." In considering what persons are disqualified to act as arbitrators he follows West, enumerating the insane, persons who by nature or accident lack discretion,

infants, persons not *sui juris* (as villeins or married women), persons dead in law, as monks, men attainted of treason or felony; and adds, first, that a party cannot be arbitrator in his own cause, and second, that as an arbitrator ought to be indifferent, an award made by corruption or undue means is avoided in equity. By this time it was customary to make the submission a rule of court under 9 and 10 William III. c. 15, so that a process of contempt might issue against the party disobeying the award "unless on oath it appeared that the arbitrators misbehaved themselves."

Another important development of arbitration—though it is true early instances of this might be found—is the appearance of the Umpire, who is not mentioned in the *Symbolography*. If there be a submission to arbitrament, it may, says Comyns, contain a provision that *if the arbitrators do not agree they shall stand to the umpirage of such an one, or if they do not agree for all the matters they shall stand to an umpirage for the residue.*

Next, I think, it will be useful to say something about the English rules as to award. Some you will regard as commonplace, others as disputable; and all of them need careful interpretation. But they are of interest, because they indicate the sort of rules which a supreme court of appeal composed of the most distinguished jurists in the world may be expected to lay down for the conduct of international arbitrations in one particular branch of the subject. Most of them, moreover, have their counterpart in the Roman law, from which, as we have seen, the rules and forms of English arbitration were mainly derived. In answer, then, to the question, "What



is a good award?" I find the following rules laid down by Comyns :

1. *An award must be pursuant to a submission and therefore shall be void, (a) as to the things not submitted; (b) as to a stranger.* This rule is fundamental to the theory and practice of arbitration both in Roman and English law. An award must be consistent with the terms of the submission and must not go beyond them, for upon the submission (a voluntary act of the striving parties) depends the whole authority and office of an arbitrator. This rule is very plainly stated in the Pandects : "*de officio arbitri tractantibus sciendum est omnem tractatum ex ipso compromisso sumendum.*" Hence also the great distinction drawn by the Roman, and followed by the English, law between a *full* and an *incomplete* submission.

The second half of this rule reminds one of the clause inserted in our recent arbitration treaties with France and other countries providing that arbitration shall not be resorted to in disputes affecting a Third Power. There, I venture to think, diplomatic caution went too far. It would have been better to provide that the award should be void in so far as it affected a Third Power unless that Power assented to the award. The utility of the English rule is obvious. The curious thing is that our judges should often have preferred to found it upon a general principle which they have held to underlie submissions to arbitration, namely advantage. There is an old case for example, which decides that an award to pay money to a stranger is void ; *for it does not appear to be any advantage to the parties.*

This brings us to the second rule : *An award ought*

*to be advantageous*, i.e. it ought to give a benefit or satisfaction. And therefore an award that orders nothing to be paid or done is not good. A quaint example of this is afforded by an old decision that an award that both parties shall intermarry is not good ; for it does not appear to be any advantage ! The third rule derives from the principle laid down in the first, that the award must be pursuant to the submission. Hence : *An award must not go to a time beyond the submission* ; e.g. it cannot touch disputes of a later date than the submission.

The remaining conditions of a good award are six and may be given in six words. An award must be *certain, possible, reasonable, mutual, final, and entire*. I may give precision to these terms by a few illustrations. Thus an award that *A* shall give security to pay an annuity is doubly *uncertain* (therefore bad) because neither the security nor the amount of the annuity is specified. That *A* shall serve *B* for two years is an example of an *unreasonable* award which the courts would not enforce. An award that *A* shall pay 10s. to *B* used to be held bad on the ground that it is not *mutual*, the idea being, I think, that an award should leave the two parties friends.<sup>1</sup> An award "that each shall be nonsuited or discontinue his action against the other" is bad because it is not *final*; for

<sup>1</sup>A good example of this was the Dogger Bank finding, which though not an arbitral award was an arbitral finding of the facts, carefully framed so as to leave the nation whose fleet had done the wrong and the nation whose fishermen had suffered it on friendly terms. The finding was mutual in form rather than in substance. But it had the desired effect. It was mutual because it was conciliatory ; it pacified one nation without exasperating the other.

they may sue *de novo*. An award fails because it is not *entire*, if it is made in bits at different times.

In legal circles it is now the fashion to speak slightly of arbitration as often a cumbrous, costly, and inefficient substitute for law, and one that is apt to terminate not in justice but in slipshod compromises of conflicting claims. I quite admit that lazy procrastinating judges are too fond of referring questions to arbitration and that many proceedings under the Arbitration Act, at which rival counsel fight a legal battle before a person totally ignorant of legal rules of evidence and procedure, are consequently open to unfavourable criticism. Such proceedings are often more dilatory and costly than they would have been had they been concluded before an ordinary court of law; for the arbitrators as well as the lawyers and expert witnesses are interested in protracting them to the utmost extent. On the other hand, where the arbitrator is himself an expert in some technical dispute, expert witnesses can be dispensed with, and much time and money saved. Thus, if the question is whether a consignment of flour or wool is up to sample, an expert arbitrator can examine the sample and decide the dispute at once. What could be more satisfactory? But I want to insist that arbitration in the true and original sense of the term was a means of preventing litigation, just as international arbitration is, broadly speaking, a means of preventing war. In Jacob's dictionary of law<sup>1</sup> I find this very clearly set forth. Arbitrators, it is said, are generally appointed where the parties think it more safe to refer the matters at variance to the determination of friends, than to venture

<sup>1</sup> Fifth Edition, 1744.

a trial at law. So the civilians make a difference between *arbiter* and *arbitrator*; “an *arbiter* is tied to proceed and judge accordingly to law mingled with equity; but an *arbitrator* is wholly at his own discretion, without solemnity of process or course of judgement to hear and determine the controversy referred to him; so as to be *juxta arbitrium boni viri*.” English lawyers and judges have failed to make this distinction, though it was admitted by the learned Dr. Cowel<sup>1</sup> early in the 17th century.

In the same work stress is laid upon the finality of awards. The award of arbitrators is definitive. Being chosen by the parties they are not tied to formalities of law like ordinary judges. Yet they have greater power than other judges to determine the matters at variance; if they observe the submission, and keep within it, and avoid corruption, no appeal lies from their decision. “The chancery will not give relief against the award of the arbitrators unless it be for corruption.” An umpirage may be regarded as a sort of double arbitration, or arbitration with an appeal. It occurs where there are two arbitrators appointed, and it is provided that if they cannot agree they must submit it to a third umpire, whose decision is final.

I venture to think that a limited appeal from international awards might be permitted to a permanent court, whose duty should be to decide merely whether there had been corruption or excess of jurisdiction.

An interesting later glimpse of English arbitration is afforded by a controversy between Brougham and Bentham. In a bill for the reform of our judicial system, which he proposed in 1830, Brougham had

<sup>1</sup> Coke’s “Dr. Cowheel.”



inserted some clauses for the establishment of judge arbitrators to preside over "Reconcilement Courts" to hear reconcilement causes. These clauses excited Bentham to fury. What, he cried, is the true characteristic of an arbitrator? What but not being an official judge? For what do men of their own accord fly into the arms of arbitrators? "Solely to escape from being plundered by judges—judges *à la mode d'Angleterre*." To say "I am an arbitrator," what is it but to say "I am not a judge?" If for relief from judges hackneyed in iniquity men were to cast themselves into the arms of this newly invented devourer, the judge arbitrator, "what would they do but what the fish would do if for relief from the frying-pan he were to leap into a hotter part?" Bentham saw in the proposed reconcilement court a money trap, or "fee-trap," and nothing else, a mere manufactory of delays and costs. The misfortune of turning a judge into an arbitrator was that he would never put an end to the suit. If the judge thought fit under one of Brougham's clauses he might, upon a question raised, send the local suit on its travels from Durham or Northumberland to Westminster Hall. "To Westminster Hall? Good. But to which of the shops? To which of them? Why, to the common law shop, or to the equity shop, whichever possess the highest place in the good graces of this their learned customer. *No such journey would a suit ever be sent by a pair of unlearned arbitrators. Here may be seen one use of our learned one.*" Bentham then is strongly on our side, if we take the view that the genius of arbitration is different from the genius of judicial procedure. In this dispute history as well



as common-sense and utility are with Bentham, when he asserts that arbitration is a substitute for a law suit, whereas Brougham would have made it but an introduction to judicial torment. True it is, he adds, that "by misconception or misconduct on the part of referees or parties an arbitration is but too often sent up to Westminster Hall." But a common law judgement was the worst evil the parties could suffer. It had been reserved for Brougham to propose in addition to the arbitration and the common law suit the still more intolerable expense of a Chancery suit, keeping all hearts for years and years drenched in anxiety and impoverishment.<sup>1</sup>

I should be untrue to my Scottish descent if I were to omit to notice that in the northern as well as in the southern half of Great Britain arbitration has been for a long time established. It is mentioned in the *Regiam Majestatem*, one of the fountains of Scottish jurisprudence. When Latin went out of vogue arbitration was defined as "a solemn transaction by interposition of friends authorised by the parties for that purpose." This definition was adopted by M'Douall, a follower of Lord Stair, in his *Institute of the Laws of Scotland*. He describes a submission or compromise as an agreement between two or more persons to stand to the determination of arbiters chosen by them in the matter submitted. It was usual at that time (1750) for each side to appoint an equal number of arbiters. If they disagreed they might choose an oversman:<sup>2</sup> or, again, an oversman

<sup>1</sup> See *Westminster Review* (1830), vol. xiii., p. 420 *seq.*, "Mr. Brougham and Local Judicatories."

<sup>2</sup> Umpire.

might be appointed in the submission itself. When the submission did not empower a majority to decide, they must all join in the decree, although both by the Roman law and the *Regiam Majestatem* (lib. 2, c. 4) a majority might determine, provided they were all present. This difference between the Scottish and the civil law was explained by the statement that, "with the Romans, the proceedings before arbiters were considered in a great measure as judicial, which does not hold with us"; and the superior reasonableness of the Scotch rule was also deduced from the nature of a submission, it being "an irrevocable commission to certain friends to decide the controversies between the parties." Arbiters, it is added by the same authority, are not tied by the strict rules of law, but may and ought to proceed according to equity and good conscience.

Generally speaking, the view of arbitration taken by the Scotch law is founded upon the rules of the civil law, and in the old law books of Scotland the Roman distinction between arbiters and arbitrators sometimes appeared. Thus it was held that questions of matrimony, liberty, or crime, though they could not be submitted to arbiters, might yet be referred to arbitrators. Upon this M'Douall says: "I can understand this in no other sense than that, tho' these questions could not be finally decided in way of arbitration, so as to have a legal effect, yet they might be hushed by an amicable composition among friends, to prevent a legal discussion of them, as no doubt is frequently done at this day." "Now," he adds, "the terms (arbiter and arbitrator) are promiscuously used."

So much for arbitration in Scotland.

I need not say much about modern developments of arbitration in English law. The Arbitration Act of 1889 (52 and 53 Vict., c. 49) has been correctly described as "a statute of practice," which does not affect the principles previously established. It is to be observed that, in the course of an arbitration under this Act, the arbitrator may at any time be *compelled* to state a point of law for the decision of the High Court. Further, he may *at his discretion* state his award in the form of a case for the High Court. Its object was to provide a simple and uniform code of procedure that should be applicable as far as possible to all arbitrations, or, rather, to all written submissions. Our principal modern text-book, *Russell on Arbitration*, asks the important question, "According to what principles is the arbiter to act?" and lays down, by way of partial answer, the following as the safest general rule that can be drawn from a consideration of the cases :

"An arbiter should endeavour to arrive at his conclusions upon the same rules and principles which would have actuated the tribunal or tribunals for which he is substituted in coming to a decision." Not a very beautiful or lucid sentence, you will say; I agree. But writers of legal text-books don't study Cobbett's English grammar. It is as bad as a Bishop's charge or a King's speech; but it is open to two other objections. The first is that, if this doctrine were true, the substitution of one tribunal for another would be purposeless. This objection I admit is partly answered by the privacy of arbitration proceedings, which is an advantage much valued by some parties—insurance companies, for example.

Further, it may be answered, an arbitrator may be an expert; a judge cannot be one. Therefore, arbitration may save the fees of two experts, besides the paraphernalia and expense of an action. The second objection is, that in many cases arbitration is the natural and first resort, not a substitution at all;<sup>1</sup> or, again, if it is a substitution, it takes the place of an open quarrel, or, possibly, a contest of brute force. Our author is mistaken if he thinks that what affords ground for arbitration necessarily affords ground for litigation. Nor am I at all satisfied with his elucidation of principles. He goes on to say that an arbitrator (generally speaking) is bound by the principles of the Common Law and Equity, "although a mere mistake in law is rarely fatal to the award."<sup>2</sup> On the other hand judges of great celebrity have declared that, under a general reference of all matters in difference, the arbitrator is not confined within the rules of law and equity, but has greater latitude, and may be guided by morality and good sense. He may relieve against a legal right which lies hard upon one party, though it could not be resisted in a court of justice.<sup>3</sup>

There is a colonial appeal case, *Rolland v. Cassidy*,<sup>4</sup>

<sup>1</sup> An arbitration claim does not exclude law. You can't exclude law; for one party may issue a writ. But the other side take out a summons to stay and to refer, and unless there is good reason to the contrary the court will comply.

<sup>2</sup> See *Blennerhasset v. Day*, 2 Ball and Beatty 104.

<sup>3</sup> Cp. 1 Taunt 48, and 3 C.B. 705.

<sup>4</sup> 13 App. Cas. 770. Lord Selborne remarked in his judgment that "in this, as in many other cases of arbitration, there was some appearance of a greater degree of zeal on the part of the arbitrators nominated by the parties for those who nominated them than in the abstract might be desired."



where Lord Selborne considers and doubts whether Canadians, appointed under the law of Lower Canada as "arbitrators and *aimables compositeurs*," can disregard all law and equity in "amiably composing" differences between the parties. All this suggests a conundrum which I do not propose to answer, Should international arbitrators be allowed to disregard established principles of international law? I hope you will forgive me for having dipped into the old English views of Arbitration. I have done so partly because I think the English history of arbitration has been undeservedly neglected,<sup>1</sup> partly because it seemed to me the most rapid and effective means of giving you a real insight into the subject of international arbitration. Arbitral procedure grew up side by side with legal procedure; the English rules of arbitration are drawn for the most part from the Roman; awards are almost as ancient as judgments; and certainly the lights thrown upon arbitration by our old lawyers and judges give a very distinct picture of its practical advantages as well as of the rules which ought to be observed. I have purposely abstained from considering at all the modern legislation upon the subject. Our own system of arbitration is in its maturity (possibly, as some think, in its old age), and, if we want fruitful analogies, we must examine not the later but the earlier stages of domestic arbitration.

Now the most marked characteristic of early arbitration was the elasticity, perhaps I may almost say the absence, of procedure and of definition. Except in regard to land, where transfers not made under due

<sup>1</sup> Kyd on Awards is the best of the old books.



legal forms and livery would have endangered the feudal system and the military authority of the Crown, disputes of almost any kind might be settled by arbitration. This is the first lesson which the International Lawyer (who has hitherto paid scarcely any serious attention to the history of arbitration) may learn from the study of arbitration in England. It is absurd to say to two nations who are disputing: "This is a political question, or a question of honour, or of vital interests; you must not dream of appointing arbitrators to settle such a controversy."

The common-sense of private arbitration is this. If you have a quarrel with somebody you can agree to refer it to somebody else and so avoid the unpleasantness of coming to blows or going to law.

There are of course numbers of these informal arbitrations between friends and neighbours, and many disputes are got over in this way. Compromise is a rough but often a very satisfactory form of justice. The question as to whether the award can be enforced rarely arises. Both parties either are honourable or don't wish to be regarded as dishonourable. So far then as the sanction is concerned the psychology of this kind of private award is exactly like that of an international award, except that the result of refusing to carry out one may be litigation, of the other war. Austin thought that international law is no law because it has no sanction, and he would probably have said, that an International Court like the Hague Tribunal had no real jurisdiction because it could not enforce its awards. A contention that only proves a narrow outlook, and would lead us, if we followed, into the *cul de sac* of a verbal controversy.

*Clarke.* I wish you would give us your answer to Austin a little more fully. Surely it is something more than a verbal controversy. Austin says that the relationship between States cannot be subject matter of law, because law, to be law, must have a physical sanction. There must be a sovereign Power, with policeman, executioner, gaoler, and, if need be, soldier, to support the judge. But there is no international executive, no international police, no international army. Therefore there is no international law. Is that correct?

*Case.* I don't think Austin would have demurred to your statement of his argument. What I meant was that his contention really gains its force from a double use of the word sanction. Most of us would agree that law involves a sanction. Austin regards the policeman as the embodiment of legal sanction, and defines a sanction so as to fit law in a police State. But surely a sanction need not be physical; and indeed physical sanctions may be very imperfect. Even in the most law-abiding country many laws are more honoured in the breach than in the observance. The question surely is not whether a sanction is terrible, nor whether it is backed by irresistible force, but whether it is effective. Now the fallacy, if I may be permitted to say so, in this Austinian theory lies not so much in the argument as in the assumption on which the argument rests. Looking back over the history of law Austin sees a gradual strengthening of the executive power. The arm of the law becomes stronger. The punishment of lawlessness becomes more certain, and apparently the most law-abiding countries are those in which

punishment attends most surely upon crimes and delicts. I say apparently, because a most efficient police may coincide with legal anarchy, as in Russia.

From that case I think it is clear that you may have the physical sanction, police, without law. In the same way I submit you may have law without the physical sanction.

*Browne.* Yet if we trace the history of Europe since the break up of the Roman Empire, surely one of the great lessons we carry away is the gradual restoration and extension of the reign of law through the development of independent sovereign States. And that has meant in every case the constitution of a strong central authority with power to enforce laws as well as to make them.

*Arbiter.* But why should the historian suppose that the world will stand still? John Austin's mistake to my mind was this. He assumed, as a lawyer is apt to assume, that the society in which he lived had arrived at perfection,—that the acme of civilisation was reached when a good system of law was backed by a good system of police, when law-breakers were promptly punished, when laws were kept through fear of damages, fines, imprisonment, gallows. Is it not far more probable that such a system is only a stage in the transition from a lower to a higher civilisation? Are we not even now progressing to the point at which most people obey the law rather because it is the thing to do? What is a "passive resister" but a person who makes a strictly legal protest against a law which he desires to alter? He refuses to pay his rate in money and leaves the law to recover it by distraint upon his goods. Yet even

this law-abiding protest has caused much offence, and is regarded with astonishment and grave misgiving by many moderate people.

*Case.* Yes, and in ordinary private law, the "argument to the police" is seldom necessary. When judgment is found against a party that party pays. He does not wait for the bailiffs to be put in. He may be as indignant as Mr. Pickwick, who preferred on a famous occasion to go to the Fleet. But nowadays we take our beatings like men, not like the Gothic man of honour, nor like the ill-conditioned chess player who won't resign till he is actually mated.

*Clarke.* I'm not sure that you are quite fair to John Austin. After all, he had to find some limit to the signification of "law" as a term of jurisprudence. His distinctions are too sharp and conventional, but they have their uses. I find much that is suggestive in some of the illustrations which lead up to his verdict on international law as it was conceived in his own day. One of Austin's examples is the law of honour, *i.e.* the laws or rules imposed upon gentlemen by opinions current among gentlemen. Another is fashion—the laws or rules imposed on people of fashion by opinions current in the fashionable world. Now most of us, I suppose, would not wish for any law more binding upon nations than the laws of fashion are upon fashionable women. Yet Austin quite fairly and truly declares that law in this sense is used metaphorically.

"When we speak of a law set by general opinion we denote by that expression the following fact. Some indeterminate body or uncertain aggregate of persons regard a kind of conduct with a



sentiment of aversion or liking : or (changing the expression) that indeterminate body opines unfavourably or favourably of a given kind of conduct. In consequence of that sentiment, or in consequence of that opinion, it is likely that they or some of them will be displeased with a party who shall pursue or not pursue conduct of that kind. And in consequence of that displeasure it is likely that *some* party (*what* party being undetermined) will visit the party provoking it with some evil or another."

But, he goes on, a positive law, or a law properly so called, is a law which will be enforced and executed by a known and determinate authority. But the "so-called law of nations" consists of opinions or sentiments current among nations generally. One supreme government may command another to obey an international law, but unless the government receiving the command were in a state of subjection to the other the command would not convert the international law into positive law.<sup>1</sup> I won't tire you with more, for Austin's language is as stiff and starched as a drill sergeant's; but is there not some sound thinking and good sense confined and pestered in these juristic penfolds?

*Case.* Yes, one must own that there are some quite good cattle, though lean, browsing on the bleak Austinian prairies, and if you put them into better pasturage they might prove fat and marketable beasts. But pray complete your exposition. I did not treat him quite fairly.

*Clarke.* In another lecture (vi.) he continues his proof that international law is not positive law. "The duties which it imposes are enforced by moral sanctions; by fear on the part of nations, or by fear on the part of sovereigns, of provoking *general*

<sup>1</sup> See Austin's *Province of Jurisprudence Determined*, Lecture v.



hostility and incurring its *probable* evils, in case they shall violate maxims generally received and respected." It is from this carefully defined standpoint that he surveys the term international law. All the older writers, he complains, incessantly blend and confound international law as it is with international law as it ought to be, "with that undeterminate something which they suppose it would be if it conformed to the indeterminate something which they style the law of nature." Obviously here Austin is dwelling on an important distinction; for scientific writers ought surely to distinguish the actual state of international morality from the ideal standard to which they desire nations to conform. Austin therefore praises Von Martens of Göttingen, who drew this distinction, and endeavoured to collect from the customary conduct of nations the morality which they habitually observe. To the code of rules collected by this induction he gave the name of "positive" or "practical" international law.

*Case.* I am very much obliged to you for correcting my criticism of Austin, which (I frankly admit) should have been more carefully worded to avoid doing an injustice to a distinguished jurist.

To return, however, to one at least of the lessons which we may derive, I think, from a general and particular study of arbitration, and especially from its history as a substitute for private litigation. Let international arbitration be given full freedom of development. To argue from the individual to the State is to draw a conclusion favourable to the most unrestricted use of it as between States; and I would place no limitation upon the competence of an

international tribunal. If two nations quarrel and wish to submit their controversy to an arbitrator, why in the world should anybody, least of all an international jurist, cavil? Soldiers never complain that a cause is too trivial for war; barristers never complain that a grievance is too trivial for a law-suit; why should a modern Grotius object that some controversies are not too trivial but too important for the Hague Tribunal! Does he really mean to suggest that a juster result can be gained by war? Is it to be said that vital interests can only be settled by battle, murder, and sudden death? One would suppose that the more important the dispute the more important would it be to get it settled by the fairest tribunal.

*Arbiter.* A similar mistake, arising from the laudable anxiety of modern international lawyers to assimilate their subject to municipal law instead of to municipal arbitration, is the error of supposing that international arbitration ought to be confined to disputes of a legal or juristic character. The work, use, meaning, and history of arbitration as you have described it are surely dead against this most arbitrary and unfounded theory.

*Clarke.* You remind me of a passage in De Tocqueville's *Democracy in America* which bears directly upon this topic. He remarks that whereas in Europe the Courts of Justice only try the controversies of private individuals, the Supreme Court of the United States summons sovereign Powers to its Bar. When the Clerk of the Court advanced to the steps of the Tribunal and called out "The State of New York *versus* the State of Ohio," De Tocqueville felt that a

court with such a jurisdiction was no ordinary body ; and when he recollected that one of the parties represented a million and the other two millions of men, he was still more struck by the responsibility of the seven judges whose award was about to satisfy or disappoint so large a number of their fellow citizens. The Frenchman's estimate of the power of this court still holds good ; nay, it has mightily increased with the increase of the number, population, and territory of the States. If population and wealth are the criterion, then the supreme court of the United States is at least as important a body as a supreme tribunal of Europe would have been a century ago. In De Tocqueville's words, the peace, the prosperity and the very existence of the Union are vested in the hands of the seven judges. Without their active co-operation the constitution would be a dead letter ; the executive appeals to them for protection from the encroachment of the legislature and the legislature from the designs of the executive ; they compel the States to submit to the lawful authority of the Union while defending them against its exaggerated claims ; they guard the public interest from the greed or ambition of private corporations, and the conservative spirit of order against the fleeting innovations of democracy. But if their power is enormous it is clothed in the authority of public opinion. As guardians of a law-abiding people they are all powerful ; but they would be impotent if they paid no heed to public opinion. What then, asks De Tocqueville, should be the qualifications of members of this interstate tribunal ? I give the answer in his own words as a practical contribution to the problem you have raised :

“The federal judges must not only be good citizens, and men possessed of the information and integrity which are indispensable to magistrates ; but they must also be statesmen, politicians, not unread in the science of the times, not afraid to brave the obstacles which can be subdued, nor slow to turn aside such encroaching elements as may threaten the supremacy of the Union and the obedience that is due to the law.”

*Case.* Your analogy is highly instructive ; but pray observe De Tocqueville does not suggest that the Tribunal could get on without a knowledge of the law. What he means is that its members should be lawyers, and something more.

*Arbiter.* Then what is your own view as to the composition of the Hague Tribunal ? Under Article xxiii. of the First Convention each Signatory Power is authorised to nominate four members “ of recognised competence in questions of international law, enjoying the highest moral consideration, and disposed to accept the duties of arbitrators.” Do you really think that all the members of the court should be lawyers ?

*Case.* That is a difficult question. I incline to answer first that every member ought to be learned in international law, and second, that he should also, if possible, have had a legal training in his own country.

*Arbiter.* The stricter view of an arbitrator’s qualifications was put forward in a Russian memorandum circulated among the delegates to the Hague Conference, and an attempt to restrict arbitrators to the legal profession almost succeeded ; but the form of words ultimately adopted leaves the qualification less narrow. You know that the Governments gave a

rather liberal interpretation to the legal qualification. For instance, the late Lord Pauncefote was one of the British Members.

*Case.* I know. But Pauncefote had great legal knowledge and acumen, besides (I think) some experience in the legal branch of the Consular Service. Such a man should certainly not be barred on technical grounds.

*Seymour.* Do you object to the inclusion of a military man like Sir John Ardagh, who is conversant with the practice and customs of war?

*Case.* Again I agree, but on the understanding that he shall also be well acquainted with the law of nations. Your example is a good one; for Sir John Ardagh had served in several boundary commissions as well as in several wars.

*Clarke.* It seems to me that you are composing your Tribunal upon the assumption that only legal differences will be referred to it.

*Case.* Certainly that is my conception of the Hague Court. It is a Supreme Court of Appeal to decide questions of international law whether arising out of Conventions or Treaties or what I may call natural rights. Of course facts also are often in dispute, but facts can only be ascertained by men acquainted with rules of evidence.

*Clarke.* It seems to me that you are arguing against yourself and your own researches. The moral I drew from your paper by analogy from national to international arbitration was that arbitration is a substitution for law, and that one of its advantages is that arbitrators need not be lawyers and are not expected to follow the strict rules of law.



*Case.* I don't complain of your inference. But I draw a distinction between the composition of the permanent and supreme court, to which I hope such appeals upon points of international law as may be permitted from other international awards will be referred, and those temporary *ad hoc* bodies which are constituted by particular submissions. Do you follow me?

*Clarke.* I thought the present court was merely a body from which arbitrators could be picked to decide differences in submissions made under the Hague Convention.

*Case.* So it is; and if the Tribunal is not to develop into a Supreme Court of Appeal there would be good reason for including persons unlearned in the law. But even so there is no necessity for parties to select their tribunal from the Hague Rota. If they want men of affairs, or military and naval experts, they have only to choose them. In the case of International Commissions of Inquiry for the examination of questions of fact as well as in disputes about boundaries, spheres of influence, and political interests generally, it may very possibly be far more suitable to appoint specialists, diplomatists, generals, admirals, business men, or tactful politicians—shall I say “artful dodgers,”—who spend their lives in arranging compromises without too much regard for principles. The functions of a Commission may be compared to those of a special jury rather than of a judge. But the Hague Tribunal should in my opinion be the authoritative Supreme Court of the Nations. If international law is to be developed it can only be developed in two ways,—by international legislation and by case law, that is to say, by the decisions of an international court.

The development of international law is a very delicate operation, which can only be performed by trained minds. Only a small number of men are acquainted with the work of the great international jurists, from Grotius, Selden, and Puffendorff, to Vattel, Martens, and Heffter. Few men know the history of treaties, and international conventions, and the rules of construction. Fewer still possess at the same time an adequate grasp of the principal systems of law prevailing in different parts of the world at the present day, and of the commercial and maritime customs that serve to connect them. Still fewer combine with this equipment knowledge of international precedents contained in arbitral awards, the decisions of prize courts, and so forth. A man who crowns all these qualifications with the supreme gifts of intellectual penetration and honesty is indeed a *rara avis in terris nigroque simillima cycno*. What we should look for is a Supreme Tribunal of the Nations incorporating all these elements; we cannot hope that every member will combine them all in his own person.

*Arbiter.* Your ideal carries me away. It is so often supposed that the real reason of the jurists for desiring a strict legal qualification is professional.

*Clarke.* I'm afraid I must remain unconvinced. I would rather, while enlarging the qualifications for the Tribunal, make your arguments a reason for establishing a small permanent highly paid court of three or perhaps five men, corresponding as nearly as possible with your portrait of the ideal International Arbitrator. The members of this court, or at least three of them, should be bound to reside for seven or eight months of the year at the Hague.

*Case (enthusiastically).* And they should have the power of a mediaeval pope to hear and determine any reference either as a Court of First Instance, or as a Court of Appeal from awards which it might be sought to set aside upon a point of law, or on the ground of fraud or excess of jurisdiction.

*Arbiter.* But pending the constitution of such a Supreme Court of International Justice, is it wise to restrict the present Hague Court to lawyers? We must remember that the object of the Tribunal is quite as much to prevent war as to develop law.

*Clarke.* And if war can be prevented by a compromise at the expense of law I say that the immediate and certain gain to humanity far outweighs the prospective and possible loss. If this reasoning be sound we ought to favour a liberal construction, if not a change in the wording, of the Article in order to give disputants a wide choice.

*Case.* Would it not be better that the court should be divided into two, one of lawyers to decide questions of law, and the other of diplomatists, independent politicians, business men, etc., to arrange compromises of political disputes? Then in the very common case where facts and law, rights and interests, are mixed a submission under the Hague Convention might appoint arbiters from both classes. Thus for legal issues there would be a legal tribunal of arbiters, political disputes would be adjusted by arbitrators, reconcilers, or *aimable compositeurs*, and where the matter in difference was mixed you would have a mixed tribunal.

*Clarke.* A capital solution. You have satisfied me that even a lawyer is not so tied to principles but

that he can make shift, hedge, truck, barter, and compromise.

*Arbiter.* Another question. Would it be wise to allow one State to sue another before this permanent court?

*Browne.* It would seem to be the natural development. Wars are the duels of nations, and can only be got rid of by providing an efficient substitute.

*Seymour.* You evidently mean to deprive me of my profession. But is it not possible that international litigation might cause more fighting than it would prevent?

*Case.* I confess that I should view the establishment of such a principle at present with some suspicion. A litigious nation might be encouraged to issue writs where diplomatic communications would have removed all troubles. I agree that we may expect such a development, but it should not be forced. When war has fallen into disuse and disrepute, like the duel, the objection that litigation might cause friction will be of less weight. But just now I feel that, whereas voluntary submissions prevent war, suits might bring it about. My argument, or rather ours, leads me to conclude that an international tribunal should not be debarred from entertaining the idea of compromise, though that to a hardened lawyer appears to be a shocking outrage on justice. Yet the desire for a compromise "to save one's face" is not confined to the yellow races. In the Venezuelan agreement a clause was introduced to enable the arbitrator to determine the boundary as he thought best, when the evidence was insufficient to prove on which side



right lay. I believe the main reason why Englishmen often prefer a costly and tedious arbitration to a shorter and cheaper lawsuit is that an arbitrator is supposed to compromise. Arbitration has another advantage much regarded by suitors—there is no appeal from an award; and that leads me to another proposition. I think, subject to one or two limitations, that the award of an international court should be final, unless the submission gives the parties a right of appeal, or unless it can be shown that the arbitrators acted corruptly, or with manifest bias, or went outside the province marked out for them in the submission.

*Truelove.* Do you think then that all international quarrels might be settled satisfactorily by litigation?

*Case.* In my view it is certainly possible and desirable that whatever cannot be arranged by diplomacy should be submitted, if it be a question of fact, to an impartial commission of inquiry, if it be a question of right, to an impartial court of arbitrators.

*Truelove.* And you would say that we have safely passed the experimental stage.

*Case.* Certainly we have. Why, international arbitration, in the modern sense, has been on its trial for just eleven decades. Franklin wrote to Price in 1780: "We make great improvements in *natural*, there is one I wish to see in *moral*, philosophy,—the discovery of a plan which would induce and oblige nations to settle their disputes without first cutting one another's throats. When will human reason be sufficiently improved to see the advantage of this?" Fourteen years later came the Jay Treaty between the United States and England, under which the



disputed boundary line between Maine and Nova Scotia was drawn and settled by a mixed Commission.

*Meyer.* But surely every nation must be the guardian of its own honour. We cannot allow British honour to be submitted to the decision of a foreigner.

*Clarke.* In 1794 there was a jingo party in America, who thought themselves better patriots than Washington or Hamilton, and declaimed against any plan for submitting 'American soil' to the hazard of a judicial award. What is the use of war, they cried, if not in such a cause! To submit to justice would be equivalent to "a dismemberment of our country." But Hamilton prevailed. It would be "a horrid and destructive principle," he urged, if they were to admit that no dispute between nations about the title to a bit of land could be settled except by reference to the pitiful and exhausting arbitrament of arms. The Jay Treaty was a great moment in history. A precedent was established and an example furnished.

*Case.* Yes, and we may be proud to think that Great Britain and America have continued to lead the way in this.<sup>1</sup> Meyer was talking exactly as one of our Crown lawyers did the other day; and a Crown lawyer is so well paid that he ought to be able to choose his words with nicety, and weigh out his adjectives with precision. But he went a good deal further. Besides guarding its own honour every

<sup>1</sup> A French author, who enumerates 177 cases of international arbitration between 1794 and 1900, finds that Great Britain took part in seventy, the United States in fifty, France in twenty-six, and Germany in none at all.

nation, he said, "must decide for itself [that is by war] questions vitally affecting its independence or its essential interests." Some stakes, he affirmed, were too big for arbitration; some crises were too tremendous to be submitted to any but the dread ordeal of battle.

*Clarke.* What violent, what unprofessional language! It sounds like an extract from the *Daily Menace*.

*Case.* Ah, that is the mischief. Just because he is on the boundary of his subject a lawyer turned politician thinks he can let fly in all directions. He loses control of his words and thoughts. Let me take his propositions one by one.

1. "Every nation must be the guardian of its own honour." Define honour and define the duties of a guardian. Is a guardian precluded from having recourse to an arbitrator or a judge in a question which he conceives affects his own honour or that of his ward? Or, does the Attorney-General mean that national honour can only be satisfied by war because individual honour can only be satisfied by a duel? This, I think, must be the idea at the back of his mind, for he talks afterwards of the dread ordeal of battle as the only proper arbiter of "some tremendous issues." In this view there are no honourable men in England or in any country where the duel is not a reality and the recognised mode of deciding disputes of honour.

2. Secondly, says our Attorney-General, "every nation must decide for itself [*i.e.* fight about] "questions vitally affecting its independence, or its essential interests."

This is most peculiar. I myself never contemplated

the independence of a State being called in question or made the subject of an arbitration; but cases in which a large State claims suzerainty over a small one, and the extent of that suzerainty is in dispute, seem to me to be eminently suitable for arbitration. And where (as will always be the case) the State against which such a claim is made is the weaker one, we may be sure that it will prefer arbitration to the Attorney-General's "dread ordeal of battle," *i.e.* it will prefer the award of an impartial tribunal to brute force and the right of the stronger.

*Clarke.* That is precisely what has happened in the case of the Transvaal. Chamberlain and Milner kept advancing aggressive claims to intervene and dictate to President Kruger and his Volks Raad. They founded their claims upon a convention. Thereupon the small State proposed arbitration as the best safeguard for its autonomy; the big State, the aggressor, refused and raised its demands. That is why the Attorney-General adds the expression "essential interests." He remembers that he was jointly responsible for vitally affecting the independence of a small Republic and for refusing that resort to arbitration which the Boers most justly demanded. So he obscures his own past sins with the vague expression "essential interests."

*Meyer.* But the Boers were arming. There was a great conspiracy.

*Arbiter.* So it used to be alleged, but proofs were not forthcoming. Those were subjects that might have been investigated by a mixed commission.

*Case.* Yes. We made war on another nation's independence, and refused to arbitrate upon questions

of law and right, because we knew that if the law were legally interpreted, and if right were righteously enforced, then what we thought our "essential interests" might be "vitally affected." A man's language is very often dictated by the necessity of covering up his own tracks. Otherwise, I am quite sure that so sincere a champion of arbitration would not have lauded as "sublime" Bacon's famous dictum that "wars are suits of appeal to the tribunal of God's justice."

*Meyer.* But there are some greater evils than war.

*Arbiter.* No doubt, but what?

*Meyer.* Loss of independence.

*Arbiter.* Exactly, but it is by war that independence has been lost. What nation ever lost independence by a peaceful policy?

*Meyer.* Well, there is loss of prestige or territory.

*Case.* Justice and moderation are the bulwarks of a state.

*Browne.* As St. Bernard said to the Doge Moro: *the Venetian Republic would last as long as it continued the custom of doing justice.*

*Meyer.* Then, are there no just wars?

*Arbiter.* None, my friend; at least, none in which justice is on both sides. That there have been just wars of defence against aggression, I know; but I hold that the standard of the world's common-sense and morality has risen high enough to enable a country that is wisely governed to remain in undisturbed independence and peace. For instance, if the Boers had kept cool, they could have thwarted Milner's designs. But, whether you agree with me

there or not, you will agree that in our time there has not been a single good war or a single bad peace.

*Meyer.* That I must admit, unless I except the war of 1866. It may not have been a just war. But it was *real Politik*. It was useful. It was justified by its results.

*Browne.* That was a very exceptional case. It was almost a war of defence—to repel a Catholic and half Slavonic power from Protestant Germany.

*Arbiter.* And it was concluded very rapidly. It was certainly an instance of a good peace. When the victory was won Bismarck displayed an extraordinary restraint, and the proof of his wisdom is that ever since that act of magnanimity Austria has been the firm friend and ally of Germany.

*Admiral.* There was much to be said surely for the American Civil War. It abolished slavery.

*Arbiter.* Yes, but then slavery, as Clarke showed us, might have been abolished without war; and if that had been done, the state of society in the Southern States might have been very different. Besides, the country might have been spared all the corruption and other evils engendered by extreme Protection. No, on the whole I think that war ought to have been avoided, though the cause of the North was of course overwhelmingly just.

*Clarke.* Still that war, like our own civil war, does prove the difficulty of keeping at peace when great principles are at stake. There you had a Federation of States, with a common Congress and a Supreme Court almost worthy of the epithet “international,” which Mill conferred upon it. Yet neither the political unity nor the legal unity of the States could prevent



the outbreak of a frightful conflagration. The double question of the right of the Union to abolish slavery and the right of a State to secede had to be decided by brute force.

*Clarke.* Does the Attorney-General object to "vital" questions being submitted to arbitration because one or other party would refuse to carry out the award?

*Case.* On the contrary, he declares that the enforcement of awards "may safely be left to the good faith of the parties, and the honour of the nations."

*Clarke.* So that if honour does not shrink from the submission it may be trusted on the award!

*Case.* Precisely. There is no necessity, he adds, for any international sheriff's office. But I hear the gong.

*Arbiter.* Yes; but before you conclude I want to hear your own opinion as well as that of Mr. Attorney-General.

*Case.* Mine is just the same as his, and for the same reason. Let me give it in his words. "No international authority with power to enforce the decrees of the tribunal of arbitration is either necessary or desirable. The list of international arbitrations during the nineteenth century is a very long one; and yet there is hardly a single case<sup>1</sup> in which there has been any difficulty as to compliance with the award." From this point of view it is rather encouraging to compare the long list of the nineteenth century with the short list of all previous centuries—and almost all the international arbitrations in the short list, if we except the instances in Greek history, were abortive. Nor should

<sup>1</sup> Only one was not carried out, and in that case the arbitrator had transgressed by exceeding the submission.

we forget that the forms and usages of international arbitration are becoming better known and understood. A good system of procedure has been developed and embodied in the Hague Convention. Fortunately there is no fear of the development being prematurely arrested. So long as international arbitration depends upon special treaties and is applied to an ever-varying subject-matter there is little fear that its forms will become stereotyped. That must never be allowed. The vitality and growth of an institution like this depend upon its elasticity. General treaties, general conventions, general schemes of procedure, are coming into force. General usages are growing up with regard to preliminary proceedings and evidence, and as to the delivery of case and counter-case, or of memorandum and counter-memorandum. I rejoice at all these things. But special treaties of arbitration will always have their special use and value. They will provide the diplomats with plenty of work. Arbitration will no more supersede diplomacy than railways superseded horses. The line between diplomacy and arbitration is hard to draw because no sharp partition exists between them. Conferences and compromises, negotiations and conventions, adjustments and awards, will always be connected with one another. The work of the diplomat and of the natural lawyer are distinguishable, but not distinct.

## THE SIXTH DAY. SATURDAY.

### THE POLITICAL ECONOMY OF WAR.

#### I.

*On Saturday morning we came together rather earlier than usual, determined to observe, if possible, the Lancashire custom of a long half-holiday. The Arbiter at once called upon me to read the paper, which follows:*

The natural history of society presents a panorama of contrary passions—the love of freedom, the love of power, the desire for wealth and comfort, the love of fighting either for its own sake, or for glory and plunder. In the infancy of civilisation men were governed by physical strength and brute force. The stronger got what he wanted, and the weaker went to the wall. Long after societies were formed private wars continued, and the duel lingers to remind us of days when trial by battle was the alternative to a law-suit. When two men differ, or two tribes, or two cities, or two nations, the primitive instinct, our first instinct, as we say, is to fight, and for incredible ages this was the ordinary solution of a quarrel. How the establishment of order and law gradually freed men of the same State from this curse has been described over and over again by the pen of the philosophic historian. But the great part played by the commercial instinct

in subduing private combats and curbing public wars is not always realised. When once the beginnings of order and justice have been established in a given community, a great majority of its members becomes deeply interested in their maintenance and extension. Released from the fear of being attacked by his fellows, the tribesman or citizen can give his whole energies and thought to agriculture, industry, or commerce, except in times when a public war is being undertaken by his government. Under such conditions considerable progress can usually be made in wealth. Society is already susceptible of the advantages to be derived from the division of labour. Neighbours begin to exchange their products. Instead of trying to combine, let us say, agriculture, tailoring, bootmaking, and housebuilding, one man farms, another makes clothes, another boots, and another builds houses. The total product is far greater than before, because by this division of labour each man has become a specialist, and is able to perfect his particular trade.

Roads are invented, and waggons and money ; and by degrees the distribution of goods, and their exchange by these means, give rise to special trades. A class of merchants and shopkeepers springs up ; farmers and manufacturers find that instead of exchanging their products by direct barter they can do better by selling them to retailers, who will dispose of them to home consumers or to foreign merchants. From time to time exchange is made easier and cheaper by further inventions, such as banks and cheques, and by every improvement in communication, from wheeled vehicles and row-boats to railways and steamers.

It requires no effort of the imagination to see how the growth of industry and trade, and the discovery by experience of the benefits and comforts that come in their train, would affect the practice of war and the attractiveness of the military trade. The steady rewards of industry and commercial enterprise came to be preferred to the precarious profits of military adventure ; honour, indeed, for a long time remained a monopoly of the soldier, though other professions, and especially that of the law, began also to acquire a certain reputation as pursuits fit for gentlemen. Moreover, as the principle of the division of labour operated, a complete revolution was brought about in the relations of society to war. War, from being an universal habit, became a profession or art—an art designed to produce not beauty or utility, but security—to ensure the State against foreign enemies by destroying them whenever necessary. Originally the methods and instruments of destruction were very simple. Victory was decided by the strength and prowess of the individual combatants. Presently intelligence intervened. Arms and armour were perfected ; new weapons were invented. Bows and arrows and catapults were superseded by gunpowder. Armies were organised. Success came to depend more and more upon drill, training, engineering, and mechanical skill, equipment, and strategy.

The division of labour produced the professional soldier ; every advance in the military art and every invention gave a new advantage to the nations which, being the most proficient in agriculture and manufactures and commerce, were therefore the wealthiest and the best able to equip and support costly armies and navies.



From an economic point of view the contrast between war and peace is more acute than ever. Civilisation, with all its wealth and luxury, all its delicate machinery and complicated organisation, shrinks and shudders at the mere thought of violence; for war, though shorn of some of its barbarities, works more havoc than ever, not only because the weapons of destruction are infinitely more powerful but also because there is so much more to destroy. For a statement of the economic evils of war you need not go to the professional economists. William Penn more than two centuries ago<sup>1</sup> put them in a nutshell. He was arguing that the only reason why God chastises us with war is to acquaint us with the blessings of peace; for there is one thing and only one better than peace, and that is the grace to use it. What do peace and war respectively bring to mankind? Here is Penn's answer: "Peace preserves our possessions; we are in no danger of invasions; our trade is free and safe, and we rise and lye down without anxiety. The rich bring out their hoards, and employ the poor manufacturers;<sup>2</sup> buildings and divers projections for profit and pleasure go on. Peace excites industry, which brings wealth, as wealth again provides the means of charity and hospitality, not the lowest ornaments of a kingdom or commonwealth." But what of war? "War, like the frost of '83, seizes all these comforts at once, and stops the civil channel of society. The rich draw in their stock,<sup>3</sup> the poor turn soldiers, or thieves, or starve: no industry, no building, no manufactory, little hospitality or charity: but what the peace gave war devours."

<sup>1</sup> In 1695.      <sup>2</sup> *i.e.* work-people.      <sup>3</sup> *i.e.* their capital.

But in Penn's day political economy was hardly an art, much less a science. All that he said sounded of Quakerism and heterodoxy to the wiseacres of his generation, who were quite convinced that trade could be made to flourish by war. Davenant, indeed, and Swift had better ideas; but it was not until the second half of the eighteenth century that the economic folly of war was finally exposed—in Scotland by Adam Smith, in France by Turgot and Necker.

When the founder of political economy lectured at Glasgow sixty years after the publication of Penn's pamphlet, he laid down some elementary propositions which are rather implied than expressed in his *Wealth of Nations*. One of them is that war impoverishes a nation. Rather an obvious proposition, but nevertheless one which had to be proved. This he did by the analogy of the individuals who make up a nation. "The poverty of a nation proceeds from much the same causes with those which render an individual poor. When a man consumes more than he gains by his industry, he must impoverish himself unless he has some other way of subsistence. In the same manner, if a nation consume more than it produces, poverty is inevitable; if its annual produce be ninety millions and its annual consumption an hundred, then it spends, eats and drinks, tears, wears ten millions more than it produces, and its stock of opulence must gradually go to nothing." Most people at that time—I fear there are plenty still who entertain the opinion—imagined that no expenditure at home can be injurious to public opulence; it was a fallacy nearly related to the extraordinary delusion that the national debt is a national blessing so long as it is entirely held by the people of Great Britain.

*Arbiter.* I well remember Dizzy telling his constituents at Aylesbury that "the national debt is a mere flea-bite so long as it is earned by a free and industrious people."

*Ego.* A fine flashy conceit worthy of the South Sea Bubbles. But I must call up a serious witness to refute the contention that there is no harm in wasting public money so long as you waste it at home. Suppose, said Adam Smith, my father leaves a thousand pounds' worth of the necessaries and conveniences of life. I get a number of idle folk around me, and eat, drink, tear and wear till the whole is consumed. By this I not only reduce myself to want, but certainly rob the public stock of a thousand pounds, as it is spent and nothing produced for it. *In the same way money spent on war is wasted wherever the war is waged and wherever the money employed in preparations is laid out.* This last proposition ought to be translated into every language and written up in gold over the door of every spending authority in the world; for there is no more insidious fallacy than the fallacy that waste is profitable if it provides employment at home. We must never be tired of explaining that the national loss is equally great whether a superfluous battleship, or fort, or barrack is built at home or abroad, by British or foreign labour. Another thing that taxpayers are apt to forget is that every man who is tempted from the ranks of productive labour into the army or navy constitutes a double loss. There is first the direct payment of £75, or so, which is added to the army or navy estimates, and second, there is the loss of all the wealth he produces in the

year, part of which goes into his own pocket as wages (say £50), and part of it into his employer's pockets as profit (say £25); so that by the enlistment of a young man the nation stands to lose £150 a year as long as he remains in the service.

In the fifth book of the *Wealth of Nations* Smith treats of what I call the political economy of war. In the first chapter he traces the growth of standing armies. A well regulated standing army was already in his view necessary to defend opulent and civilised nations against the invasion of poor and barbarous neighbours, and this method of defence accorded with his principle of division of labour. He saw that the task of defending an independent nation from the violence and injustice of other independent nations grows gradually more and more expensive as the society advances in civilisation. The military force "which originally cost the sovereign no expence either in time of peace or war," must in the progress of improvement be paid first in time of war and afterwards even in time of peace as well, though of course the peace footing is less costly. To this natural increase of cost, which would in any case have accompanied progress in the arts and crafts, the invention of gunpowder and firearms contributed enormously. Armour indeed was superseded; but both arms and ammunition became far more expensive, if not more burdensome in proportion to national incomes.

"A musquet is a more expensive machine than a javelin or a bow and arrows. . . . The powder, which is spent in a modern review, is lost irrecoverably, and occasions a very considerable expense. The javelins or arrows, which were shot in an ancient one, could easily be picked up again and were besides of little value. The cannon

and the mortar are not only much dearer but much heavier machines than the balista or catapulta, and require a greater expense not only to prepare them for the field but to carry them to it."

To this Adam Smith adds the much greater cost of the fortifications required to enable a town to resist artillery. He agreed with Hume that this revolution in military warfare was on the whole beneficial to mankind. "In ancient times the opulent and civilised found it difficult to defend themselves against the poor and barbarous nations. In modern times the poor and barbarous find it difficult to defend themselves against the opulent and civilised. The invention of firearms, an invention which at first sight appears to be so pernicious, is certainly favourable both to the permanency and to the extension of civilisation."

Hume had said in his history, in reference to the use of cannon at the battle of Crecy, that artillery, "though it seemed contrived for the destruction of mankind and the overthrow of Empires, has in the issue rendered battles less bloody and has given greater stability to civil societies." It had, he thought, brought nations more to a level, conquests had become less frequent and rapid, and success in war had been reduced nearly to a matter of calculation.

In his chapter on Public Debts, Adam Smith drew attention to what was then a comparative novelty—the dependence of war makers on loan mongers. Unless a government has accumulated treasure by parsimony in time of peace it is compelled to contract debt the moment war begins, "or rather at the moment it appears likely to begin." The army must be augmented, the fleet fitted out, the garrisoned towns put into a posture of defence; arms, ammunition,



and provisions must be served out and concentrated at proper depots. A great and immediate expense must be incurred at the moment of danger ; and as there is seldom a large surplus in the Treasury beyond what is necessary for defraying the ordinary expenses of government, recourse must be had to borrowing. To the objection that in lieu of loans new taxes might be imposed, Smith replies that in war the revenue required is three or four times greater than the revenue required in time of peace, and even if a government had (as it hardly ever has) the power of quadrupling the revenue by increased taxation "yet still the produce of the taxes, from which this increase of revenue must be drawn, will not begin to come into the Treasury till perhaps ten or twelve months after they are imposed." In this exigency, therefore, borrowing is the only resource. I need not follow Smith into the details of the early history of public loans. Even in his day it was already only too easy for the Government of an opulent commercial kingdom to obtain accommodation—at a price. His general remark, however, deserves to be repeated, as it is still illustrated by experience whenever a poor or heavily indebted nation gets entangled in war :

"The progress of the enormous debts, which at present oppress and will in the long run probably ruin all the great nations of Europe, has been pretty uniform. Nations, like private men, have generally begun to borrow upon what may be called personal credit ; without assigning or mortgaging any particular fund for the payment of the debt ; and when this resource has failed them they have gone on to borrow upon assignments or mortgages of particular funds." It is

a curious proof of the low condition of Japanese credit, that her statesmen were unable to secure their first small war loan without mortgaging the Customs Revenue.

In Smith's day the land and malt taxes were the only considerable branches of British revenue that remained unmortgaged and even these were regularly anticipated, *i.e.* spent before they came in. The philosopher compared the governments of his time to improvident spendthrifts, whose pressing occasions would not allow them to wait for their income. The evils that attended the new method of financing war were obvious ; but statesmen gave little thought to them. "To relieve the present exigency is always the object which principally interests those immediately concerned in the administration of public affairs. The future liberation of the public revenue they leave to the care of posterity." Twenty-three years later, after five years of disastrous borrowing, Pitt adopted his master's advice and appealed to the House of Commons to raise the necessary supplies by taxation.<sup>1</sup>

It may then be asked, granted that a loan is the only means by which a modern government can raise the ready money that must be expended at the outbreak of hostilities, why should not taxes be laid on at the commencement of a war sufficient to cover its whole annual cost, after, say, the first six months, and be continued for six months after its cessation, so as to leave the country with no larger debt than it laboured under at the outset?

The answer to this question is, I am afraid, that the simple *ought* is applied to public finance even less

<sup>1</sup> See speech of Dec. 3, 1798 ; Pitt's *Speeches*, vol. ii. pp. 454-5.

commonly than to other branches of politics. But it can nevertheless be inferred from the object lessons of our own history, and from the example set by our two greatest financiers, that the extraordinary expenses of war should be raised and paid for *as far as possible* by additions to taxation. Upon the strong moral and political arguments for this course I will touch later. But let me first set forth the economic argument as derived by experience from the practice of Pitt and Gladstone, and Sir Michael Hicks Beach. The fearful burden laid by the Napoleonic War upon the nation's back is due to the ruinous mistake Pitt made at its beginning, to the feeble incompetence of Addington in 1804, and to the base surrender of Lord Liverpool's government to a selfish parliament of rich men in 1816 on the conclusion of Peace.<sup>1</sup>

Mr. Gladstone in one of his famous budget speeches classified the Napoleonic War into three periods according to the mode in which its financial burdens were discharged. During the first period, from 1793 to 1798, borrowing was the principal resort. In 1792 British three per cents. had touched 97. In 1797 they touched 47. This was the result of relying upon loans, and of making no grand effort to enlarge the revenue. The land tax was left untouched. In 1798 Pitt made and carried a proposal for an income or property tax. In the second period, from 1799 to 1802, there was an income tax; but owing to serious flaws in its legal frame-work, general evasions were practised, and

<sup>1</sup> March 18. Vansittart, then Chancellor of the Exchequer, moved that the Income Tax be continued. He met with great opposition, and was beaten by 238—201. The government accepted the decision, continued in office, and met the deficit by borrowing.

it was far from effective. Finally, in the third period from 1806 to 1815, the income tax was in full force and efficiency. I need not remind you that the whole war added a sum of no less than 613 millions to the National Debt. But the extraordinary thing is that, as Mr. Gladstone said in 1853, "our debt need not at this moment have existed if there had been resolution enough to submit to the Income Tax at an earlier period."<sup>1</sup>

This appears from a comparison—in which I follow Mr. Gladstone closely—of the financial results achieved during the first, second, and third periods of the French War—results all the more remarkable when we remember that, as this unprecedentedly costly war dragged on, the financial exhaustion of the country steadily increased. In the first period, 1793-8, the charge for government and war together, with the interest on debt incurred before 1793 ( $9\frac{1}{2}$  millions), amounted on an average to 36 millions a year, and the average revenue was about  $20\frac{1}{2}$  millions, including all the additional war taxes. The annual excess of charge over revenue, excluding interest on debt contracted after 1793, averaged £15,400,000. In 1798, as we have said, the income tax was introduced, and the new policy of endeavouring to pay for the war out of current revenue began. In the second period, 1799-1802, the charge for government, war, and war debt, *plus* interest on the old debt, rose to an annual average of £47,400,000; but the average annual revenue rose concurrently from £20,500,000 to over £33,500,000, so that the excess of charge over tax revenue was reduced by nearly 2 millions a year.

<sup>1</sup> See *Gladstone's Financial Speeches*, p. 16.

But the most remarkable results are seen when we come to the third period, the ten years from 1806 to 1815, a period of desperate difficulty and danger, which called for the utmost exertions and entailed the heaviest charges. The average annual expenses of war and government during this decade, together with the interest on the debt contracted before 1793, were nearly 66 millions; but the average annual revenue from taxes reached nearly 64 millions, so that the annual deficiency, which had fallen from  $15\frac{1}{2}$  millions to  $13\frac{1}{2}$  millions in the second period, had now sunk to the almost insignificant sum of two millions a year. Now the interest on the debt contracted before 1793 was, as I have said,  $9\frac{1}{2}$  millions, so that in the last decade, with the aid of Pitt's income tax, Great Britain for ten years actually raised 7 millions a year more than the combined cost of administration and war. Such was the result of supplementing a bad fiscal system by a ten per cent. income tax, and that result justifies us in drawing what I may perhaps be allowed to call an economic moral. Let me do so in Mr. Gladstone's words :

"Much as may be said of the importance of an army reserve and a navy reserve, and of having your armouries and your arsenals well stored, this fiscal reserve is not one whit less important; for if it be used aright it is an engine to which you may again resort; and with this engine judiciously employed, if unhappily this necessity should arise—which may God in His mercy avert—with it, judiciously employed, you may again, if need be, defy the world."

By fiscal reserve Mr. Gladstone meant generally low taxation, but especially an income tax, which is either at a low rate, or better still, disused but in readiness for use; and in this connection I am reminded of an



opinion Sir William Harcourt once expressed to a friend of mine in conversation a few months before his death. He said that in his judgment the income tax in time of peace ought not to be higher than sixpence in the pound. Another fiscal reserve is, of course, good national credit, *i.e.* the power of borrowing money cheaply ; and this again can only be secured by due economy, systematic repayment of debt, and a fiscal system which does not oppress industry or labour in time of peace. Remember it is our superiority in credit, as well as our system of free trade, that makes London the greatest money market in the world.

It is, I must confess, a melancholy reflection that the financial courage of our modern democracy, or rather I would say of its leaders, compares so unfavourably with that of the oligarchy in the struggle with Napoleon, or of the middle classes who governed England at the time of the Crimean War. I have already recounted the tremendous exertions and sacrifices put forth in the last decade of the conflict that terminated at Waterloo. Allow me now to give, very briefly, the financial history of the only two great and costly wars in which the country has been engaged since that time namely, the Crimean and the Boer wars.

*Arbiter.* Excuse me. You have told us what Pitt did but not what he said. I don't suppose there is one of us, except Browne, who has read those speeches of his. Certainly I have not.

*Browne.* I have read the summary in the *Annual Register*, but not the speeches. I have never made a special study of that period.

*Clarke.* That is a truly Christian confession : it makes us all proud of our ignorance. [*Turning to me*]

How did Pitt argue it out with the House of Commons?

*Ego.* Well, you see, he first frightened the squires by hinting at the propriety of a revaluation of all the land in the country with a view to improving the land tax and restoring it to its old position as the most productive of our imposts. As a disciple of Adam Smith this was the remedy he would have first adopted on abstract grounds. But as his power depended on the landed interest, and the war could not be continued without their approval, this course was impossible. Had the land of the country been revalued at the beginning of the war, and had the tax of four shillings in the pound on its annual value been raised first to six shillings, then to eight shillings, I cannot but think that peace with France would have been signed long before 1798, when the income tax was introduced.

Unfortunately, far from taking the course to which our best financial tradition, as well as equity and expediency pointed, he proposed, in the year 1798, a redemption of the existing land tax (his object being to raise money by converting tax into capital) on a plan highly favourable to the landlords. Nevertheless, he did enter into the propriety of increasing the land tax, and admitted that there was much to be said for it; so that, having first worked upon the fears of the landed gentry, and then preferred their interests to those of the nation, he had strong claims on their support when he came to propose a ten per cent. tax on all incomes. When the favour of the county gentlemen, who controlled parliament, had been secured, he was able to say in reference to the clamour raised by the mercantile classes in the metropolis and other large

towns against his income tax : "It does not enter into my ideas of public duty that the legislature should consult the popular opinion at the expense of the public safety." If you ask me, however, what were the principal reasons for the introduction of the income tax I should say—though it is not very easy to disentangle the real arguments from the sometimes frigid, often turgid, and always prolix rhetoric of his speeches—I should be inclined to say, the necessity of restoring the national credit and the impossibility of getting any considerable addition to the national revenue, the land tax apart, by any other device. Almost everything that was taxable had already been taxed, and many of the customs duties did not pay the cost of collection. But what really frightened Pitt was that three per cents., which had reached 106 in 1752, and 97 in 1792, had already fallen in the winter of 1797-8 below 50. So that for every hundred pounds added to the national debt the government received less than half for the purpose of prosecuting the war ! To find a revenue to mortgage was more difficult even than to find a thing to tax. "Does it make no difference," cried the Minister in desperation, when the pudding-heads on both sides asked why he did not go on borrowing and leave taxes alone, "whether money is borrowed for the public at 4, 5, or 6 per cent.? Has the price of stocks no effect on commerce and agriculture? If further loans are to be made for the public service is it of no consequence whether the funds are at 40 or 48 per cent.?"

*Meyer.* What is the date of that speech?

*Ego.* January the fourth, 1798.

*Meyer.* Do you know what was the lowest point consols touched during the whole war?

*Ego.* No. But a couple of months later (April 2nd) the three per cents. had risen a little—to 50.<sup>1</sup>

*Meyer.* Even that is better than Japanese credit; after three or four months of war with Russia they issued a 6 per cent. loan at 93, and after nine months at 91½.

*Ego.* Yes; more than a hundred years ago, when our credit had been halved, we were still thought more trustworthy than the Japs are to-day.

<sup>1</sup>I have since examined the monthly market prices of three per cent. consols from 1791 to 1800. I find that they rose by degrees (with many fluctuations) from 76 in March, 1791, to 97 in March, 1792. In the autumn of that year they began to decline seriously, and in the autumn of 1793 they were at 74. In January, 1794, they fell sharply to 68, and were as low as 64 by the end of the year. In 1795 they rallied from 61, the lowest point, in January, to 70, the highest point, in December. In 1796 they sank as steadily and more rapidly, and at the end of the year the quotation was 57-8. Through the first half of 1797 this alarming depreciation went on until in June the lowest point, 47, in the period I have examined, was touched. From this time, thanks to Pitt's energetic financial measures, prices gradually, very gradually, recovered. In December, 1797, the quotation was 48-9; in December, 1798, 53-5; in December, 1799, 61-2; in December, 1800, 63-4. After that the highest points reached before the end of the war were 79 in 1802, 73 in 1803, and 71 in 1810; the lowest points were 50¼ in 1803, 53¾ in 1804, and 54½ in 1814. 1804 was one of the worst years for consols, not because it was a year of peace, but because Addington, with characteristic weakness, dropped the income tax. In that year the price of consols varied from 59⅞ to 53¾. The experience was repeated in 1816. In 1815 consols varied from 61½ to 72½. In 1816 the income tax having been abandoned they sank as low as 53⅞ and were never higher than 65¾. I have mentioned that consols were at 97 in 1792; they did not again reach that point until 1851.



*Arbiter.* You must remember that the eighteenth century was the most peaceful England had known since the Conquest. There had never before been such extensive developments in our means of communication, our commerce, and our manufactures.

*Clarke.* But in those respects it cannot compare with the nineteenth century.

*Ego.* No ; and we have seen how after adding one hundred and sixty millions to the debt in consequence of the Boer War the Government was able to borrow at three per cent. What do you say to that, Mr. Meyer ? The annual burden on that debt is less than half what it would have been in Pitt's time.

*Meyer.* Colossal ! Pyramidal ! No other nation in the world could have done it. Yet consols fell from 113 to 85 ; and we can't get them up again beyond 90. It was a nasty shock to credit ; and it will be a long time before the city quite recovers. I am no Radical. I hate reform. You can't improve a perfect constitution. But give us peace and retrenchment, and a few years of saving. That is the prescription we need, and a good dose too. There is no capital to invest in commercial flotations. It is all taken up in loans for war and armaments. The worst of it is that we are not paying off debt now.

*Browne.* I am not surprised at Pitt's alarm ; for taking 47 as the lowest point touched<sup>1</sup> it was, I firmly believe, a unique depreciation in the funds. The previous record was 54.

*Ego.* In the American War I suppose ?

<sup>1</sup> Consols touched 47 twice, once in 1797, and once again in 1798.



*Browne.* Yes ; for that we have the best authority. May I read you a passage from a living historian, who has combined in an uncommon degree patient and accurate research with brilliant literary gifts ? Here Browne opened a volume of Sir George Trevelyan's *American Revolution* and read :

"The Funds always fell after British defeats and never very visibly recovered themselves in consequence of a British victory. In August, 1774, before the Revolution began, the Three per cent. Consols stood at 89. A month before the news of Long Island arrived in London they were at 84 ; a fortnight after that news they were at 82 ; and that was all the effect produced by a complete rout of the Americans, which was hailed by courtiers at home, and English diplomatists abroad, as a most reassuring and almost a conclusive, success. By October 1777 Consols had fallen to 78. The tidings of the capture of Burgoyne brought them down to 70. They fell and fell until the capitulation of Lord Cornwallis reduced them to 54 ; and they could hardly have gone lower if they were to retain any value at all."<sup>1</sup>

*Ego.* Thank you, indeed. That is a very pertinent contribution to the political economy of war. But, as we have seen, twenty years afterwards Pitt knocked them down to 47. That last sentence reminds me of the remark Adam Smith made to Sinclair after Saratoga. "The nation is ruined," said the young man when he brought the news. "There is a great deal of ruin in a nation," was the cool reply of the philosopher.

*Clarke.* The cost of war is a grand deterrent, but by no means an infallible preventive. The poorer the nation the more it has to pay for accommodation. But the poorest nation, if it has the will to fight, will find the means. The Jews will see to that. They

<sup>1</sup> See Trevelyan's *American Revolution*, Part II., chap. xiv., vol. 2, p. 217.

have had a long and lucrative revenge on their persecutors.

*Browne.* I should have added that, when Lord North made way for a ministry pledged to recognise American Independence, Consols "rose six points on the mere prospect of a peaceful settlement with our former colonies," though Lord North had always insisted that the right of taxing them and controlling their trade was indispensable to the prosperity and commerce of Great Britain.

*Arbiter.* The Stock Market performs a useful service by anticipating peace and war in terms that can be understood.

*Ego.* It is lucky that peace casts an economic shadow as well as war.

*Clarke.* But war throws its blackest shadow after, not before. With all deference to Mr. Meyer, the Stock Exchange's forecasts are not very trustworthy. I recall a wise parable of Selden's in the Civil War: "Though we had peace, yet 'twill be a great while e'er things be settled: tho' the wind lye, yet after a storm the sea will work a great while."

*Arbiter.* A fine saying and a true one. War is supposed to cut awkward knots and solve difficulties. In reality the sword only severs natural and necessary ties that unite men; and when a war ends, individuals, families, communities, commercial and political associations have to grow together again—a cruel, painful process. War maims, mutilates, disfigures, and divides. Time and peace may, in a generation, heal the wounds, obliterate bitter memories of suffering, and restore a country to the happiness and prosperity which war destroyed in a year.

*Ego.* So far as finance is concerned, a modern war run on credit illustrates Selden's remark even better than the old-fashioned wars. Now, when a nation wages war abroad, the financial effects are most visible a year or two after it is over, because the full effect of borrowing is not felt till after the borrowed money has been wasted.

*Browne.* The last nation to fight without mortgaging her revenue was Prussia in the Seven Years' War, and that was only because she had no credit. But Frederick had to fight for the most part in his own country. The consequences are pourtrayed by Macaulay in the conclusion of his essay on Frederick. Perhaps you will let me read the piece. It is the work of a master historian, who was not at all disposed to exaggerate the evils or to depreciate the glories of war :

"The war was over. Frederick was safe. His glory was beyond the reach of envy. . . . He entered Berlin in triumph. . . . Yet even in the midst of that gay spectacle he could not but perceive everywhere the traces of destruction and decay. The city had been more than once plundered. The population had considerably diminished. Berlin, however, had suffered little when compared with most parts of the Kingdom. The ruin of private fortunes, the distress of all ranks, was such as might appal the firmest mind. Almost every province had been the seat of war, and of war conducted with merciless ferocity. Clouds of Croats had descended on Silesia. Tens of thousands of Cossacks had been let loose on Pomerania and Brandenburg. The mere contributions levied by the invaders amounted, it was said, to more than a hundred millions of dollars ; and the value of what they extorted was probably much less than the value of what they destroyed. The fields lay uncultivated. The very seed-corn had been devoured in the madness of hunger. Famine, and contagious maladies, the effect of famine, had swept away the herds and flocks ; and there was reason to fear that a great pestilence among the human race was

likely to follow in the train of that tremendous war. Near fifteen thousand houses had been burned to the ground. The population of the kingdom had in seven years decreased to the frightful extent of ten per cent. A sixth of the males capable of bearing arms had actually perished on the field of battle. In some districts no labourers, except women, were seen in the fields at harvest-time. In others, the traveller passed shuddering through a succession of silent villages, in which not a single inhabitant remained. The currency had been debased; the authority of law and magistrates had been suspended; the whole social system was deranged; for, during that convulsive struggle, everything that was not military violence was anarchy. Even the army was disorganised. Some great generals, and a crowd of excellent officers, had fallen, and it had been impossible to supply their place. The difficulty of finding recruits had, towards the close of the war, been so great that selection and rejection were impossible. Whole battalions were composed of deserters or of prisoners. It was hardly to be hoped that thirty years of repose and industry would repair the ruin produced by seven years of havoc. One consolatory circumstance, indeed, there was. No debt had been incurred. The burdens of the war had been terrible, almost insupportable; but no arrear was left to embarrass the finances in the time of peace."

*Ego.* It is quite true there was no Prussian debt. But there were the loans raised in England to help Frederick the Great to pay his troops; and there was Frederick's deliberate debasement of the Prussian coinage, an operation which demoralised the economy of the State, and embarrassed its citizens far more than any system of borrowing. You may remember the Jew Ephraim who coined for Frederick, and the epigram about the coins:

"Outside noble, inside *schlimm*  
Outside Frederick, inside Ephraim."

*Clarke.* Necker in one of his essays on the finances of France gives a reminiscence of the Seven Years'

War. I cannot, he says, remember without a shudder reading the following estimate:

Forty thousand men to be embarked for the colonies, -	40,000
To be deducted one-third for the first year's mortality, -	13,333
	<hr/>
Remainder, - - -	26,667

How seldom does the Minister in perusing such an entry entertain a thought of the suffering and misery his policy will engender. He hardly troubles about details, but turns coolly to the last page to cast up the totals of men and money.

*Admiral.* Just one more question. Was Pitt's income-tax very stiff? I remember how my old father swore at Peel for reviving it.

*Ego.* Yes, it was pretty stiff—ten per cent. on all incomes above £60. Now I ask your pardon. I promised five minutes ago to leave the eighteenth century. But the Napoleonic war was the legacy it left to the nineteenth century, and I must pause again to point out what were the effects of war upon the condition of the labouring classes at a time when the extraordinary developments of machinery promised to diffuse wealth and comfort to an extent never known before.

According to Arthur Young, to whose researches we are indebted for much valuable information about the rate of wages at different periods and in different countries, the average wage paid to agricultural labourers in England in 1767, 1768, and 1770, was nearly 1s. 3d. a day, three or four times what he gets now in Japan or India; in 1801 and 1811, when money wages rose to the highest points they attained during the French War, the average was



about 2s. 5d., being a rise of nearly 100 per cent. But the average price of wheat, according to the account kept at Eton College during the first mentioned years, was £2 11s. a quarter: during 1810 and 1811 its price was £5 10s., being a rise of 115 per cent.; and Young estimates that butcher's meat had, during the same period, risen 146, butter 140, and cheese 153 per cent. So that four principal articles of consumption showed an average rise of  $138\frac{1}{2}$  per cent. In other words real wages, as compared with these articles, had declined in the interval  $38\frac{1}{2}$  per cent., or considerably more than one third; and if the increased cost of beer, leather, and some other items of a labourer's expenditure, had been taken into account, the fall in the rate of real wages would have appeared still more striking. It is true that the price of most articles of clothing, particularly cotton, which Young left out of account, fell in money price (despite the paper currency) during the period in question. But these reductions did not by any means compensate for the extraordinary upward movement in the prices of the principal articles consumed by the working classes; so that, notwithstanding what they gained by cheaper clothing, "it is abundantly certain," to follow the words of McCulloch, "that real wages sank considerably during the latter years of the war."

After the war the gold standard was soon restored; but it took many years to restore the national credit. The Poor law broke down under the load of pauperism. Parishes went bankrupt, and for more than twenty years the misery of the working classes both in town and country passes description. In the towns there

were periodical famines through want of employment. In the country in the winter months the best paid agricultural labourer could not hope to provide his family with enough to eat, yet we had a protectionist and preferential tariff, and all the other blessings for which modern tariff reformers work and pray. In the year 1842 one in every eleven inhabitants of England and Wales was a pauper. Now the proportion is about one in forty.

In the history of the political economy of war, the year 1815 seems to be a sort of temporal boundary between an old world, in which war was the normal condition, and a new world, in which peace is the normal condition. There were, in the opinion of close observers who marked an unusual cessation of wars in Europe from 1815 to 1848, two principal causes to account for a tranquillity so unexpected and so gratifying. The first was the exhaustion of Europe, whose nations, worn out by invasions, and conscriptions, and taxes, staggering for the most part under an unprecedented load of debt, had no heart for fighting. "For years," as Channing finely said in 1829, "poverty kept the peace in Europe." But no one would wish that perpetual peace should be founded on perpetual poverty. Besides, peace makes wealth; so that if poverty were the only preventive of war, the nations, after rest and recuperation, might be expected to renew their pernicious activity. Yet the increasing expensiveness of war and the increasing apprehensiveness of commerce gave a certain permanence and force to pacific feeling. As somebody once put it: "When the voice of humanity cannot be heard, the hollow sound of an empty treasury is a warning that cannot

be slighted." And the sharp contrast between the deterioration of 1794-1815 and the gradual amelioration of 1815-1854 was an object-lesson to the whole civilised world. Peoples began to be accustomed to regard peace as a permanent right and war as an occasional wrong—a thing to be prevented, if possible, and, if not, to be concluded at the earliest opportunity. Peace associations sprang up, and socialism, which recognised no national barriers, struck root.

A second cause, which also impressed contemporary observers, was the extension of profitable relations between all countries. "Since the pacification of Europe in 1816," wrote Channing in the discourse I have already referred to,<sup>1</sup> "a new impulse has been given to industry. The discoveries of science have been applied with wonderful success to the useful arts. Nations have begun in earnest to develop their resources. Labour has been discovered to be the grand conqueror, enriching and building up nations more surely than the proudest battles." Commerce, indeed, was miraculously enlarged. Its first great expansion followed the adoption of Free Trade by Great Britain; but soon the development of railways and steamships so quickened and cheapened intercourse that the surplus products of every nation found their way everywhere, over every tariff wall, and ridiculed the utmost efforts of Protectionist policy. Nations began to compete against one another with food and raw material and machinery and manufactures instead of with fleets and armies. A wonderful interchange of products enriched the whole face of the earth, and gave every part a new, lively, and absorbing interest

<sup>1</sup> Lecture on War.

in the maintenance of peace and order and security. Such are the arrangements of nature and Providence, so ran a favourite argument of our Corn Law repealers, that free intercommunication between different States is good for all, and that the greater the volume of international commerce the stronger are the material guarantees of peace. Every decade makes the military nations of the world more and more commercial. It was in no accidental harmony, but with a true synoptic inspiration, that the three great leaders and orators of our Free Trade movement—Richard Cobden, John Bright, and W. J. Fox—stood forth also as the heralds and advocates of international peace. Bright, perhaps, is as well known for his views on peace as for his views on freedom of trade. But Cobden, on the eve of his triumph, was met with the accusation that he was accustomed to look too much at material interests; and he replied in words which I think ought to be repeated and remembered; for they have a higher truth and a deeper permanence than the ordinary saws of politics:

“I can say that I have taken as large and great a view of the effects of this mighty principle as ever did any man who dreamt over it in his own study. I believe that the physical gain will be the smallest gain to humanity from the success of this principle. I look further; I see in the Free Trade principle that which shall act on the moral world as the principle of gravitation in the universe—drawing men together, thrusting aside the antagonism of race and creed and language, and uniting us in the bonds of eternal peace. I have looked even further; I have speculated, and probably dreamt, in the dim future,—a thousand years hence—I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and the



motive for large and mighty empires, for gigantic armies and great navies—for those materials which are used for the destruction of life and the desolation of the rewards of labour—will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family, and freely exchanges the fruits of his labour with his brother man. I believe that, if we could be allowed to reappear on this sublunary scene, we should see, at a far distant period, the governing system of this world revert to something like the municipal system; and I believe that the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world's history from the triumph of the principle which we are met here to advocate."

Some years later Fox, in an address on the End and Aim of Politics to his constituents at Oldham, dwelt on the same theme :

"What is the end of Providence? Look abroad on the world. See how their varied productions are such, that the inhabitants of one region may reasonably be desirous to have possession of those which are produced in another region. See the infinite diversity, see the changes which a single article has to undergo—how it has to pass from country to country in order to obtain that final shape and form in which it best ministers to humanity. Look at the silk-worm spinning her cocoons in the trees of Lebanon. Look at the cotton-plants, rich in their white blossoms, in the fair South of America. Why, their products cross the broad Atlantic,—they come here; they are subject to your various industrial operations, and then they go back again, in order to clothe even the natives of the very country from which they came—to give them their garments; and when those garments are worn out these very articles sometimes undergo another change; they take the form of paper, and circulate through the world the lessons of intelligence and of wisdom. I say that Free Trade is a providential doctrine. It teaches us the wisdom of those arrangements by which nations may ultimately, we trust, be led into one great federation, one brotherhood of communities, rendering and receiving mutual service."

Commerce is essentially cosmopolitan.



*Clarke.* Yes, and cosmopolitanism, like every other blessing, brings evils in its train. But against them may be set the rise of national spirit and the demands made in every part of the world by all progressive races for a larger and fuller political life. Russia is the only European country where despotism is still absolute. Everywhere else large concessions have been made to the popular theory of government. We set a fine example to the world by granting full self-government to Canada, Australia, and New Zealand; and by degrees democratic and utilitarian ideas are encroaching upon the most ancient preserves of autocracy. There is no better guarantee of peace than a system of free nations confined to their natural boundaries.

*Arbiter.* And happily the rise of nationalism has not on the whole encouraged war. But pray continue your history.

*Ego.* For fourteen years after the Battle of Waterloo the country, exhausted and oppressed, had a complete respite from foreign war. By severe retrenchment the Government was able to resist desperate schemes for the repudiation of the National Debt. Considerable sums were paid off. In 1824 the Three Per Cents rose to 96, and by judicious conversions the debt charge was substantially diminished. In 1826-8 some money was wasted in military operations against Spain, and in 1827 we took an honourable part and spent some money (which I for one do not regret) in the liberation of Greece. In 1838 the troubles in Canada began, and eventually cost two millions sterling. A similar sum was expended on the first China War, which began two years later

and was ended by the Treaty of Nanking in 1842. Two more millions were frittered away on Kaffir wars, which were hardly over before we began to be involved in the protection of Turkey.

At the time of the Crimean War, which broke out in February 1854, Mr. Gladstone was Chancellor of the Exchequer, and he has therefore the main credit for what I must call the best financed of all our great wars. The proposition he started with was that the cost of a war should be defrayed out of current revenue, *i.e.* by war taxes, and that those taxes should be in the main direct, so that trade should suffer as little interference, and posterity as little injustice, as possible. He therefore took the strong step of asking the House to consent to doubling the income tax—by raising it from 7d. to 1s. for the first half year. This was calculated to yield rather more than  $3\frac{1}{4}$  millions and would convert an estimated deficit of £2,840,000 into a surplus of £467,000. To begin the war by a loan would, he thought, be a confession of financial cowardice and economic weakness unworthy of the character of the country.<sup>1</sup> But

<sup>1</sup> Nevertheless in the first year there was enough borrowing to produce a decided effect on public credit. At the beginning of 1853 consols yielding £3 per cent. stood at par. In September of the next year, after only six months of war, stock yielding £3. 3s. 10d. per cent. was at 94.

The following table may be interesting : it represents the highest and lowest points touched by three per cent. consols from the year before to the year after the Crimean War :

HIGHEST. LOWEST.			HIGHEST. LOWEST.		
1853,	101	$90\frac{3}{4}$	1856,	$95\frac{7}{8}$	$85\frac{1}{8}$
1854,	$95\frac{7}{8}$	$85\frac{1}{8}$	1857,	$94\frac{1}{4}$	$86\frac{1}{2}$
1855,	$93\frac{3}{4}$	$86\frac{1}{4}$	1858,	$98\frac{3}{4}$	$93\frac{7}{8}$

he was not content like Pitt with economic and political arguments against throwing the cost of the war on posterity. He presented a moral, nay even a religious, argument in some famous sentences that attracted much comment at the time :

“The expenses of a war are the moral check which it has pleased the Almighty to impose upon the ambition and the lust of conquest that are inherent in so many nations. There is pomp and circumstance, there is glory and excitement, about war, which, notwithstanding the miseries it entails, invests it with charms in the eyes of the community, and tends to blind men to those evils to a fearful and dangerous degree. The necessity of meeting from year to year the expenditure which it entails is a salutary and wholesome check, making them feel what they are about, and making them measure the cost of the benefit upon which they may calculate. It is by these means that they may be led and brought to address themselves to a war policy as rational and intelligent beings, and may be induced to keep their eye well fixed both upon the necessity of the war into which they are about to enter, and their determination of availing themselves of the first and earliest prospects of concluding an honourable peace.”

Northcote afterwards objected, with justice, that this argument, however sound in itself, and however weighty it would have been in the mouth of an independent member resisting an official proposal to carry on a questionable war by means of loans, came unfortunately from a minister who, with his colleagues, had just drifted into a war, not (as they thought) *of*, but *against*, aggression—a war, writes Northcote with gentle satire, the speedy close of which was to be hoped for rather from a display of energetic determination than from a deliberate and public adoption of the policy of so adjusting the burdens of the people as to impose a “moral check” upon their ardour. Bright might have used that argument. Gladstone

should have argued that by paying its way as he recommended the nation would display its resolution to the world. Moreover, a few weeks later the Chancellor of the Exchequer had to issue Exchequer Bonds in anticipation of taxes, and next year when Sir G. C. Lewis, his successor, proposed to float a regular loan Mr. Gladstone could not disapprove.

Nevertheless no one can say that Mr. Gladstone's practice in war finance, in the first year, lagged far behind his preaching. His courage in action matched his valiant words. By the 8th of May it was evident that the country was in for a big war; new estimates had to be framed, and Mr. Gladstone had to provide for a further sum of £6,850,000. The whole of this sum he proposed to raise out of taxes by extending the double income tax over the whole year,<sup>1</sup> by providing for its continuance over the year following the conclusion of peace, and by increasing the duties on spirits, malt, and sugar.

Some time after the Crimean War, Sir Stafford Northcote and Mr. Gladstone corresponded on the subject. Mr. Gladstone, as we learn from the *Life*, thought that Northcote in comparing the effect of taxes and loans, had looked too much to the effect

<sup>1</sup> Thus providing against what happened in the year 1816 when the income tax was repealed, and the country deprived of any chance of dealing effectively with either debt or customs duties until the advent of Peel. In 1822, however, the criticisms of Ricardo and Hamilton produced some effect, and in 1823 Vansittart induced Parliament to pass an Act providing that a real surplus of five millions should be set aside every year for the reduction of debt; and the National Debt was reduced from 885 millions in 1823 to 841 in 1833. It was 851 millions when Peel took the helm in 1841. The effect of the 1823 policy on the price of Consols and on Conversion is worthy of notice.



on labour at the moment. Capital and labour are in permanent competition for the division of the fruits of production. When war comes and large sums are borrowed, two consequences follow :

1. An immense factitious stimulus is given to labour at the time—and thus much more labour is brought into the market.

2. When that stimulus is withdrawn an augmented quantity of labour is left to compete in the market with a greatly diminished quantity of capital.

Here, wrote Mr. Gladstone, is the story of the misery of great masses of the English people after 1815, or at least a material part of that story.

Upon the general question of *loans v. taxes* for war purposes Mr. Gladstone's considered judgment is of high importance, and the following sentences from his letter to Northcote may be regarded as the *locus classicus* upon this strangely neglected topic :

“ Assuming as *data* the established principles of our financial system and by no means denying the necessity of loans, I have not the least doubt that it is for the interest of labour, as opposed to capital, that as large a share as possible of war expenditure should be defrayed from taxes. When war breaks out the wages of labour on the whole have a tendency to rise, and the labour of the country is well able to bear some augmentation of taxes. The sums added to the public expenditure are likely at the outset, and for some time, to be larger than the sums withdrawn from commerce. When war ends, on the contrary, a great mass of persons are dismissed from public employment, and, flooding the labour market, reduce the rate of wages. But again, when war comes it is quite certain that a large share of the war taxes will be laid upon property ; and that in war, property will bear a larger share of our total taxation than in peace. From this it seems to follow at once that, up to the point at which endurance is practicable, payment by war taxes rather than by taxes in peace is for the interest of the people at large.”<sup>1</sup>

<sup>1</sup> See Morley's *Life of Gladstone*, vol. i. pp. 517, 518.



The adoption of this bold and resolute policy at the outset of the Crimean War not only had a great effect in checking the fall of national credit that invariably attends war, it also enabled the country to recover its prosperity after the war so rapidly that in 1861, after the emancipating budget of 1860, the taxes on its trade and consumption were less burdensome than in 1854, after the emancipating budget of 1853. Further, the depreciation in consols was only slight; and in the year after they were almost as high as in the year before the war. The net financial result of the Crimean War was that a sum of 42 millions, a little more than half its cost, was added to the National Debt.

*Arbiter.* How does that compare with other wars?

*Ego.* Very favourably indeed. The American War lasted six years (1776-1782), and when the accounts were finally wound up, some years afterwards, it was found that 118 millions had been added to the debt.<sup>1</sup> The sums raised by additional taxes during that war were quite small, though very oppressive to industry and commerce. The cost of the French wars, 1793-1815, is usually put at 831 millions, of which no less than 624 millions were added to the National Debt. I have already mentioned Mr. Gladstone's proposition (borrowed, it should be said, from a passage in Sir Henry Parnell's important book on *Financial Reform*) that, had Mr. Pitt imposed the effective income tax, which operated during the last ten years of the war, at its commencement, no addition need have been made to the debt,

<sup>1</sup> So Porter in his *Progress of the Nation*. Sir G. Lewis put it at 124 millions.

so that in 1816 the country would have had to pay an annual charge, not of  $32\frac{1}{2}$ , but of  $9\frac{1}{2}$  millions. In that case the whole national debt could easily have been extinguished before the Boer War. To put it in another way the nation would have been saved in annual payments of interest alone from that day to this, over 2000 millions sterling.

Nor for my part do I feel much doubt that very early in the course of the war—and most certainly long before its close—the country would have found the advantage of paying its way, especially if it had done so by means of a land tax. Northcote indeed seems to have thought that in war time it may be “less injurious to part with capital than with earnings.” But he forgot to make allowance for many important facts. After Waterloo the debt charge was much greater than the whole revenue of the country in 1793. Again, in time of war, wages are often artificially raised, and the working classes are better able to contribute in the years of war than in the years of depression which follow. Moreover, all incomes are not earnings; and an income tax, especially if it be graduated, may serve as a stimulus to the rich drones of society to exert themselves, whereas borrowing, by raising rates of interest, though it depreciates investments, enables the monied classes to increase their incomes without any exertion. That Pitt’s second thoughts were far wiser and more statesmanlike than his first is to my mind conclusively proved by another very remarkable fact—remarkable at least until one realises the proposition that the more you borrow the more you have to pay for accommodation—and it will, I feel sure, appeal to Mr. Meyer.

According to Porter<sup>1</sup> (whom I have always found a trustworthy authority) the average rate at which 3 per cent. stock was created between 1793 and 1801 was £57 7s. 6d. paid into the Exchequer for every £100 of stock, while from 1803 to 1815 the average rate was £60 7s. 6d.

*Meyer.* Most remarkable! prodigious! No race but the Germanic, and no branch of it but the Anglo-Saxon, could have improved its credit and borrowed at a lower rate in the second than in the first half of a twenty-two years' war.

*Ego.* But we seem to be degenerate now. Think how steadily our consols declined during the Boer War. Every loan was contracted on worse terms than its predecessor.

*Meyer.* No wonder, with Hicks-Beach——

*Clarke.* A man of good intentions, who often expressed them but never carried them out. He always thought that, if he *insisted* on sound finance, he and his party would be drowned in a butt of unpopularity. His fears of opposition were always out of all proportion to its amount.

*Ego.* Exactly so. He should have taken Harcourt's advice and clapped something on to the income tax for the last quarter or half of the year. That would have been a plain and easy course.

*Meyer.* When do you mean?

*Ego.* When Parliament assembled in October, 1899. Instead of that he committed himself to two absurdities, first, that the war could not possibly cost more than ten or at most eleven millions; second, that its cost would be defrayed by the gold mines, so that he persuaded

<sup>1</sup> Porter's *Progress of the Nation*, 1847 edition, p. 485.

himself to take the depraved course of asking Parliament to sanction a loan without providing a farthing out of taxation. I attribute much of the waste of money during the war and since the war, as well as the huge addition to the debt and the great depreciation of consols, to the shocking weakness of the Chancellor of the Exchequer at the outset. The ground then lost was never recovered. The budget of 1900 was quite inadequate and was not redeemed by its successors. The spending departments presumed more and more on the squeezability of the Treasury. The estimates from the very first were a mockery. Since then we have not known what it is to have an honest budget, or a surplus at the end of the year. The War Office and the Admiralty have wallowed in aimless profusion; the accounts have been so embarrassed, Parliament so perplexed by supplementary estimates and extraordinary expenditure, and by the sham statements of responsible ministers that I really sometimes wonder, *pace* Mr. Meyer, whether we do live in the best of all countries under the best of all constitutions.

*Meyer.* Our Staat is very good, but our Staatsmen are very bad. The machinery is perfect; we only want the men to work it, and the nation will find them before long.

*Arbiter.* But you will want something more than men; you will want a policy. Now what is the policy that the City requires? I'm not asking about the unemployed, or drunkenness, or lunacy, or rural depopulation. Just give us your idea of what the City needs.

*Meyer.* My dear sir, it needs precisely what you have given up so much of your life to advocate—

economy and reduced taxes. Some friends of mine on the Stock Exchange the other day made a careful calculation of the losses suffered by investors in consols and other first-class securities in the British Empire, between 1899 and the present time, and found they amounted to 1000 millions sterling.

*Ego.* If the military and naval expenditure of 1898 had been adhered to——

*Admiral.* Which could easily have maintained the two-power standard——

*Ego.* And the Boer war had been avoided, surely consols could not have stood much lower than 110, even to-day? They are actually at 88.

*Meyer (eagerly).* You have right! You have right! Considering the vast productive energies of the country, I have the deep conviction that with a good financier at the Exchequer, who would restore the Sinking Fund to its full vigour and set energetically to work at reducing the floating debt, I feel sure, I say, that in five or six years, the lifetime of a Parliament, the whole of those lost twenty-four points might be regained and the thousand millions recovered.

*Ego.* That would solve fast enough the problem of the employable unemployed.

*Meyer.* I go further: I say that if the peaceful diplomacy of Lord Lansdowne could be maintained, a good Chancellor of the Exchequer, reasonably supported by economical colleagues at the War Office and Admiralty, would be able in two Budgets at the most to restore consols to par, the half-way house. And that would mean an addition of hundreds of millions to the invested wealth of the empire.



*Seymour.* Possibly a better asset, even from a military point of view, than two superfluous army corps and half-a-dozen superfluous battleships !

*Arbiter.* Meyer, you always were a shrewd fellow, but those are the shrewdest words I ever heard you utter. I only wish some statesmen I could mention were in the room. Mark my words, retrenchment means the diffusion of wealth, prosperity, and comfort throughout the nation ; it means that all sorts of social reforms involving expenditure become possible, it means a reduction of taxation, it means scattering cheapness and plenty through the land ; it is the only radical and honest remedy—if we except reform in the land system and liquor traffic—for social distress, it is the first condition of economic regeneration, and therefore it is the only antidote to the new Chamberlainism.

*Clarke.* Can experience be said to prove that the lower the level of taxation the higher the standard of living and comfort ?

*Ego.* No ; because there are two kinds of taxation, according to the use the money is put to. The first kind is for unproductive purposes, such as pageants, unnecessary palaces, or unnecessary armaments. The higher *that* kind of taxation is, the lower must be the standard of living and comfort. For what is spent on such purposes is withdrawn from capital, profits, rents, and wages. But the other kind of taxation for reproductive purposes, such as education, public health, roads, waterways, railways, etc., may be heavy and yet may actually add to the efficiency, comfort, happiness, and wealth of the nation. Rates may be high without being onerous, and so might taxes but for the army and navy.

*Meyer.* But many of our local bodies are wasteful. Local loans have a very depressing effect upon the money market.

*Arbiter.* Ah! you have been deluded by some of your respectable London bankers. They are very timid men, afraid of attacking Government loans, waste on war, armaments, and the like. So in hard times like these, when consols are very low and the money market "tight," they make a scapegoat of the municipalities, and try to fasten the blame on their loans—investments of capital for purposes of public health and convenience. I have no patience with such men with their property and defence associations, their pretentious claptrap about thrift, and their habits of personal luxury—penny wise and pound foolish. Let them attack wholesale waste of taxpayers' money on bad objects, and then they may see clearly to denounce here and there an extravagant outlay of ratepayers' money on good objects.

*Ego.* There are many free traders who stultify their position through failing to perceive that the objects of taxation are at least as important as the modes. Take the case of Russia and the United States, two of the largest free trade areas in the world, which rival one another in the barbaric height of their protective barriers against foreign goods. In spite of a tariff which has very bad social and economic effects the United States, having long devoted most of the national revenues to purposes either reproductive or neutral, has secured a relatively high standard of living. The American workman is, generally speaking, better off than the English,<sup>1</sup> and

<sup>1</sup> Though he has to work harder.

not worse off than the Canadian and Australian, who have also been spared hitherto from the curse of militarism. But Russia is in a wretched state, because there high protection is combined with heavy expenditure on armaments. There expenditure upon necessities, such as roads and education, is extravagantly low. In Europe you can see the advantages of free trade and the evils of conscription by comparing the wages and standard of living in such free-trade countries as England, Holland, Switzerland, and Denmark (which have to pay heavily for armaments but are free from the curse of compulsory service) with the rates and standards that prevail in other parts of the old world, in Germany, France, Austria, Italy, and Spain. If you want an index to the wealth of a country, first find out what proportion of its public revenues is laid out on armaments, and whether conscription (the blood tax) is established; and in the second place, by what taxes the revenue is raised. I think you will concede that a free-trade country which raised a heavy revenue by irreproachable means—by taxes on land, on noxious luxuries, on incomes, and on property—would be in a very pitiful condition if it devoted all its funds to preparations for war.

*Meyer.* Of course, of course. Perhaps after all the Anti-Municipal Trading Association has rather diverted our energies from more important objects.

*Ego.* Yes, you would have saved three millions sterling if you could have stopped the Gibraltar works, and two and a-half millions if you could have prevented the Somaliland War. By stopping the West Ham omnibus you might perhaps save the

ratepayers £50 a year. I attach so much importance to the distinction between productive and unproductive expenditure by the State, that I am anxious to lay before you a few figures by way of illustrating from English experience the tendency of useful expenditure to outgrow expenditure on armaments.

Archbishop Whately, who held the Chair of Political Economy at Oxford, in 1830-1, pointed out, in one of his lessons on money matters, that more than three-fifths of the taxes raised annually went in paying interest on the national debt, and nearly all the rest of the revenue was swallowed up by the army and navy. Every pound paid in taxes was disposed of in about the following proportions:

	S.	D.
On the army and navy, etc., - -	7	2
On the civil services, - - -	0	10
Interest on national debt, - -	12	0

A generation later Judge Longford made a similar calculation, which worked out as follows. The proportion allocated to the civil services had been multiplied as you see by five—from 10d. to 4s. 2d.:

	S.	D.
On the army, navy, etc., - -	7	9
On civil services, - - - -	4	2
Interest and sinking fund on debt, -	8	1

In 1898, before the Boer War, a similar calculation would have given the following result—showing another gain for the civil service, but also, I am sorry to say, a threatening increase in the naval and military share:

	S.	D.
On the army and navy, - - -	9	10
On the civil services, - - -	5	0
Interest and sinking fund on debt, -	5	2

In 1903-4, another year of peace, but after the Boer War, the expenditure under all three heads had greatly increased; but this time the proportion spent on the civil services had slightly diminished:

				S.	D.
On the army and navy, -	-	-	-	10	9
On civil services, -	-	-	-	4	9
Interest on debt, -	-	-	-	4	6

But if rates are included in taxes, and the expenditure of local authorities added to the item of civil services, we shall be able to show a real improvement in the relative proportion of civil to military expenditure. To illustrate this let me compare the year 1870-1 with the year 1903-4, in each case adding the produce of the rates to the produce of the taxes, and the local expenditure out of rates to the expenditure on civil services:

In the year ending March 31st, 1871, the public revenue from taxes amounted to just over 68 millions; the public expenditure was just under 68 millions; the local revenues, including rates, tolls and profits, but excluding government contributions, came to 25 millions. The expenditure for the year 1870-1 (excluding the cost of collecting revenue) then works out as follows in round figures:

Civil services :					
(a) national,	-	-	-	13	millions.
(b) local,	-	-	-	25	millions.
<hr/>					
Total civil services,	-	-	-	38	millions.
Army and navy,	-	-	-	24	millions.
Service of debt,	-	-	-	26	millions.

Thus, out of a total of 88 millions of expenditure defrayed from taxes and rates, 24 went to the army



and navy, 26 to the debt, and 38 to what may be called by contrast productive and beneficial expenditure—the civil departments and local government. Out of every pound taken from the pockets of British ratepayers and taxpayers in 1870

s.    d.

5    5    were spent on the army and navy.

5   11    were spent on the national debt  
          (interest and sinking fund).

8    8    were spent on poor relief, police,  
          education, roads, public health and  
          other civil or local services.<sup>1</sup>

In 1903-4 the national expenditure (excluding expenditure from loans) had risen to 130 millions, and the local expenditure from rates, tolls, rents, etc. (excluding expenditure from loans and government contributions), to about 90 millions. The total expenditure to be considered (after deducting the cost of collecting customs and inland revenues) is about 216 millions, divided as follows:

Civil services :

National,    -    -    -    -    27 millions.

Local,        -    -    -    -    90 millions.

Total civil services,        -    -    117 millions.

Army and navy,        -    -    -    71 millions.

Service of debt,        -    .    -    28 millions.

Thus, out of every sovereign taken by the Government from the pockets of British ratepayers and taxpayers in 1903

s.    d.

6    8    were spent on army and navy.

3    0    were spent on the national debt.

10   4    were spent on civil and local services.

<sup>1</sup> See Statistical Abstract, 1873, Table 1.

*Clarke.* On the whole then you think that less proportionately of the taxpayer's money is wasted?

*Ego.* Yes, that is the tendency, and if we can keep at peace for twenty years a very great improvement ought to be effected.

*Case.* But the sum spent on war and armaments of late years has been appalling.

*Ego.* Undoubtedly; and you see the natural results in the statistics of pauperism, wages, and unemployment since 1900. On the other hand if you look at the last edition of Marshall's *Principles of Economics* you will find a note showing that early in the nineteenth century "imperial taxes, for the greater part war taxes, amounted to one-fifth of the whole income of the whole country," whereas at the end of the century they amounted to not much more than one-twentieth, and even of this sum a considerable portion was spent (as I have shown) on education and other beneficial services practically unknown to our ancestors and uncared for by statesmen of the olden time.

### III.

It would be absurd to treat of a subject like this even in a summary way without trying to give you some conception of the cost and magnitude of modern armaments. Figures, of course, when they run into millions produce the very faintest impression of things. If an astronomer announces that the sun is 93 million miles away we stare and gasp, but we should be hardly less staggered if he told us it was 93 thousand miles away. The same vagueness obscures the popular mind when a war lecturer gloats or a peace lecturer

groans over a billion dollar war. We must try to translate the multitudes of ciphers into terms of common life. We must find out the war monster's "keep" by counting up the taxes he devours, or by numbering the comforts and luxuries he eats off the poor man's table. I could easily show you that if it were content to leave taxes as they are and revert to the war expenditure of 1898 our own Government could in ten years provide every working class family in England, Scotland, and Ireland with a home twice as large at half the rent it pays at present, and that the State would then be left with a handsome annual rental of several millions to apply to the reduction of taxes or of the national debt.

*Arbiter.* You do well to draw attention to the necessity of translating figures for popular consumption. No one knew better than John Bright the futility of talking in millions. What does a million sterling convey to a man who earns a pound a week? I recollect that one of his illustrations was drawn from a comparison of war expenditure with exports. In 1852 we paid 17 millions for army and navy and 28 millions for the charge on the national debt—£45,000,000 in all. In that year the total value of the exports of British and Irish produce, "far the largest year of exports we had ever known," amounted to 78 millions sterling. "Well, then," said the orator, "plant some one at the mouth of every port and harbour in the United Kingdom, and let him take every alternate ship that leaves your rivers and your harbours with all its valuable cargo on board, and let him carry it off as a tribute, and it will not amount to the sums that you pay every year [as interest on

debt] for a war,<sup>1</sup> that fifty years ago was justified as much as it is attempted to justify this impending war." This was a pictorial way of stating that the interest on the war debt together with the military and naval expenditure amounted to more than half the total value of British exports.

*Ego.* In another famous speech after the Crimean War had begun, Bright declared that if England, seventy years before, had adopted the principle of non-intervention in every case where her interests were not directly and obviously assailed "this country might have been a garden, every dwelling might have been of marble, and every person who treads its soil might have been sufficiently educated."

What an enormity is the thing we call the armed peace of Europe. At the birth of Christ the standing army which defended the Roman Empire in Europe, Asia, and Africa numbered only about 300,000 men;<sup>2</sup> and I suppose that the sum total of the standing armies of the principal European powers in the reign of George the First was no larger. Yet it was growing, and the evil arrested the attention of the clear-sighted Montesquieu, who protested most vigorously against the ruinous competition in armaments. "Each monarch," he wrote, "keeps as many armies on foot as if his people were in danger of being exterminated; and they give the name of peace to this general effort of all against all." The consequence, he added, is "a perpetual augmentation of taxes." For this there might have been a natural remedy; but another mis-

<sup>1</sup> The French War, 1794-1815.

<sup>2</sup> In 1897 less than 30,000 soldiers sufficed to guard the United States of America.

chief had supervened. Kings were no longer content to spend their revenues. They went to war with their whole capital, and staked the future as well as the present earnings of their people with the utmost levity. Indeed they had already begun to mortgage their funds in time of peace for purposes of war.

But if the evil was already manifest to Montesquieu, the whole scheme and proportion of things altered with the system of conscription, a system first introduced by Napoleon and gradually perfected by the Continental powers during the last fifty or sixty years. To bring home to our minds the vastness of the development—to measure the rate of acceleration—it is necessary to take two dates and compare the state of armaments. I shall select 1858 and 1898. The first year is an interesting one, because it immediately preceded the first of the two sharp but decisive struggles which terminated in the establishment of the modern Kingdom of Italy and the modern Empire of Germany. According to a computation made by a careful writer of that day from the best sources the peace establishment of Europe consisted of over  $2\frac{1}{2}$  millions of men. This barrack population was made up as follows:

(1) Russia, - - -	600,000	(14) Lesser Italian	
(2) Austria, - - -	380,000	States, - - -	36,000
(3) France, - - -	366,000	(15) Belgium, - - -	73,000
(4) Prussia, - - -	161,000	(16) Switzerland, - - -	72,000
(5) Lesser German		(17) Holland, - - -	58,000
States, - - -	124,000	(18) Sweden and	
(6) Bavaria, - - -	87,000	Norway, - - -	42,000
(7) Hanover, - - -	26,000	(19) Principalities, - - -	34,000
(8) Saxony, - - -	25,000	(20) Portugal, - - -	26,000
(9) Turkey, - - -	143,000	(21) Denmark, - - -	21,000
(10) England, - - -	140,000	(22) Greece, - - -	9,000
(11) Spain, - - -	112,000		
(12) Naples, - - -	92,000		
(13) Sardinia, - - -	48,000		
		Total,	<u>2,675,000</u>



The reflections made by the compiler of these statistics are worth recalling, for they apply with greater force to the even more appalling conditions which confront us now.

Why, he asked, should Europe require eight or nine times as many soldiers to protect her after nineteen centuries of Christian preaching as she needed under the pagan empire of Augustus? All external danger had disappeared. The Sultan was powerless except to murder his own subjects. The foreign risks of Europe were measured by her own aggressions in Africa and Asia. Each of the Christian powers of Europe maintained, at vast expense and sacrifice, a huge and costly military establishment in order to protect itself against attack from its neighbours or to support its own schemes of aggrandisement. For nearly two centuries Europe had been free from the fear of a horde of invading barbarians. Her rich and flourishing cities were not liable to be sacked by Goths and Visigoths, Franks and Huns, Picts, Saxons, and Danes, or the rest of the unnumbered and unnamed hordes which the populous north "poured from her frozen loins to pass Rhene or the Danau."

*Case. Aut conjurato descendens Dacus ab Histro.*

*Ego.* The Dacian no longer plots a raid over the Danube upon Vienna. His modern successors, the Ruthenians fleeing from the Austrian Pole, or the Poles and Finns and Doukhobors fleeing from the grinding despotism of the Czar, are transported by thousands to Canada and the United States, where they become industrious and prosperous citizens devoted to the Star Spangled Banner or the Union Jack. Emigration is no longer the movement of an

armed tribe driving out the old inhabitants by fire and sword. It is an affair of cheap railway tickets and steorage rates by transatlantic lines. The ever-increasing commerce and intercourse between States, so marvellously promoted by railways and steamers, have made all the difference. Aggression, at least in Europe, is but rarely attempted with a view to permanent occupation, and never, I suppose, from the hope of spoil. For it is a maxim of discipline and success in war that an army must pay its way. Everywhere business payments are made by bills and cheques; money is no longer hoarded; and besides, as someone has remarked, money knows so well how to make itself scarce upon the first rumour of danger that the movements of modern armies cannot possibly be supported by plunder even if soldiers were allowed to plunder. The late China War, to avenge the Boxer outrages and the siege of the Legations, was accompanied by the utmost licentiousness. We were shocked at the well authenticated reports of murder and pillage committed on defenceless Chinamen by European troops. But that did not reduce the expense of the campaign. For the handful of British and Indian troops that went to Peking we had to pay I think over six millions sterling. Indemnities seldom come off. Look at the case of "the gold-reefed city." Undoubtedly the English Government and the English people really did enter upon the Boer War with the idea that the gold mines would pay the cost of it. But as the war proceeded the contributions of the gold mines receded and the taxpayer began to look blue.

*Clarke.* You remind me irresistibly of something

I read the other day in Rousseau: *J'ai battu les Romains, écrivoit Annibal aux Carthaginois; envoyez-moi des troupes; j'ai mis l'Italie à contribution, envoyez-moi de l'argent.*

*Ego.* Delightful. Just as our Hannibal wrote: "I have beaten the Boers, send me reinforcements. I have taken the Rand; send me money." But this is a digression. I have given you the armies of Europe as they stood on a peace footing in 1858. Forty years later the standing armies of Europe, according to the English handbooks which I have consulted, had increased by nearly a million, at a greater rate than the population, though probably not at a greater rate than the wealth. Let us place them in their new order:

#### EUROPEAN ARMIES ON A PEACE FOOTING IN 1898.

Russia, <sup>1</sup>	-	-	860,000	Holland,	-	-	78,000
Germany, <sup>2</sup>	-	-	585,000	Denmark,	-	-	50,000
France, <sup>3</sup>	-	-	576,000	Belgium,	-	-	47,000
Austria and Hungary, <sup>4</sup>	-	-	397,000	Bulgaria,	-	-	42,000
Italy, <sup>5</sup>	-	-	185,000	Sweden,	-	-	40,000
Great Britain, <sup>6</sup> at				Roumania,	-	-	46,000
home and in the				Montenegro,	-	-	35,000
colonies,	-	-	171,000	Portugal,	-	-	30,000
In India,	-	-	73,000	Greece,	-	-	26,000
Turkey,	-	-	180,000	Norway,	-	-	18,000
Spain,	-	-	120,000	Servia,	-	-	13,000

Total peace footing, - 3,562,000.

Luxemburg, a neutralised State with a population of 217,000, had in 1898 an army of 325 men.

Switzerland has no standing army; but the whole population receives a short military training. Nearly

<sup>1</sup> War footing, about 3,400,000. <sup>2</sup> War footing, about 3,975,000.

<sup>3</sup> War footing, about 3,900,000. <sup>4</sup> War footing, about 2,749,000.

<sup>5</sup> War footing, about 2,200,000. <sup>6</sup> Total force in 1898, including army reserves, militia, yeomanry, and volunteers, 742,000.

500,000 men could be called upon to resist invasion. The above figures, as I have said, are drawn from English sources, and they do not give an adequate notion of the burden of armaments.

Another and probably better representation of European armaments in 1898 was prepared for the Czar and his ministers in that year in order to pave the way for the Hague Conference. It appeared in the *Official Messenger* of St. Petersburg by way of supplement to Count Mouravieff's Note. I will give you these calculations in my own words as a representation of Europe armed in 1898, but pray recollect that since then the war monsters have grown in bulk, and require far more food to support them, even if they are kept in their cages. What they devour, when they break loose and fight one another, you may judge by the cost of the wars in South Africa, in the Philippines, and the still more horrible one that is raging in Manchuria.

In 1898 it was true, as it still is, that on paper the Russian army far surpassed in size the armies of other Powers. She had a peace establishment of about a million men, and 280,000 conscripts were annually enrolled. On a mobilisation the Russian forces were supposed to number  $2\frac{1}{2}$  millions, exclusive of about 6,950,000 militia and reserve; so that Russia, with a population of 120,000,000, had on paper a force of over 9,000,000 trained soldiers. France had, including reserves, 4,370,000. Her standing army numbered 589,000, which could be raised by mobilisation to a war footing of  $2\frac{1}{2}$  millions. Germany, with a peace effective of 585,000 boasted that she could mobilise two and a quarter million men in ten days

—though how long she could maintain and feed them was quite another question. There were supposed to be 4,300,000 trained soldiers in Germany. The standing army of Austria-Hungary consisted of 365,000 men, 15,000 less than in 1858, but rising to  $2\frac{1}{2}$  millions on mobilisation, and to 4 millions including reserves. Italy had a peace establishment of 174,000, which could be raised to nearly  $1\frac{1}{2}$  millions by mobilisation, with a reserve in addition of 720,000. The standing army of Great Britain was larger than that of Italy by 50,000 men (220,000 in all), but our total force, including militia and volunteers, only numbered 720,000. This, however, excluded over 100,000 sailors and marines in the Royal Navy. To give an idea of the numbers of these gigantic hosts, it was calculated that the French army in line formation would extend a distance of about 325 miles; while the 34,000,000 men who composed, on paper, the permanent forces of the Continent in 1898 (20 per cent. of the whole male population), would stretch, if they could actually have been called out and drawn up in line, from Paris to St. Petersburg. America was comparatively free from this curse, though several of the South American Republics maintained considerable armies, and had adopted, or were about to adopt, conscription.

Then as to cost. The permanent standing armies of the world were computed by the *Official Messenger* at  $5\frac{1}{4}$  millions always under arms, which, at an average cost of £40 per man per year<sup>1</sup> (a very moderate

<sup>1</sup>In 1898 the annual cost to the taxpayers of every soldier in the standing armies of the six great European powers varied from £30 in Russia to £81 in Great Britain. A German soldier cost £46, and a French soldier £65.



estimate), would mean an annual sum raised by tax and debt of £210,000,000, representing at 4 per cent. a capital sum devoted to militarism, and withdrawn from industry, of £5,250,000,000. But the 210 millions ought to be doubled in order to allow for the product of the men's work, if they had been allowed to remain in industry. What comfort and happiness might be diffused among the labouring poor of the world if half this gigantic sum could be restored to the fruitful and fertilising channels of industry, and if, at the same time,  $2\frac{1}{2}$  millions of labouring men could be dismissed from the ranks, and instead of drilling two years for mutual destruction, might join in producing works of utility or beauty—in short, if they could withdraw from the service of the devil and enter the service of man.

From a series of articles which appeared in *La Revue Statistique* about the same time (September, 1898), it appeared that the ordinary cost of European armies in time of peace, per head of the population, varied from 2s. 7d. in Finland to 13s. 10d. in France. The average for a Dane was 5s. 3d., for a Dutchman 8s.  $3\frac{1}{2}$ d., for an Englishman 9s.  $6\frac{1}{2}$ d., and for a German 11s. 8d. An English family of four persons would therefore pay on an average at that time nearly £2 per annum for the army.

Since the Boer War our military expenditure has increased more than 50 per cent., so that a family of the same size would now pay £3 a year on this head alone. The cost of the navy at that time in Europe varied from 10d. a head in Austria-Hungary to 11s. 7d. a head in Great Britain. In France it was 6s.  $2\frac{1}{2}$ d., in Germany 2s. 11d., in Russia 1s. 2d., in

Holland 5s. 5½d., and in Denmark 3s. 5½d. Here again British expenditure has increased since that time by at least 50 per cent. The total military budget of Europe was, in 1897-8, about £156,000,000, and the total naval budget, £61,000,000, of which the British share was more than a third. I cannot do better than conclude this survey with the words of the *Official Messenger* of St. Petersburg :

“By no possibility could expenditure on this colossal scale be reproductive. It exhausts the sources of national revenues, increases taxation, paralyses the action of national finance and commerce, and arrests the general well-being. The best minds of all countries and all ages have therefore sought to assure peace without recourse to constantly increasing armaments by principles of justice and equity operating through the channel of arbitration.”

*Case.* The Hague Conference has established a Court of Arbitration, but not a Court of Disarmament. How is it that the neighbourly game of “Beggar my neighbour” could not be ended in the Oranje Zaal ?

*Arbiter.* Your question is one that requires a rather long answer ; for Clark did not bring his paper on Federation up to date. Of the many proposals, that have been made from time to time for solving international disputes and for reducing the burden of militarism, the most recent and by far the most important of all were initiated by Russia at the Hague Congress. On August 24th, 1898, a Note was handed, by order of the Czar, to the representative of every Power accredited to the Court of St. Petersburg. It opened with these resounding words :—“A universal peace, and a reduction of the intolerable burdens imposed on all nations by the excessive armaments of to-day is the ideal towards which every Government should strive.”

The Imperial Government, the Note went on, believed the moment to be a very favourable one for an international inquiry into the most effective means of securing a real and durable peace for all nations, and in particular of arresting the progressive increase of armaments. For the past twenty-five years the maintenance of peace between the Powers had been a main object of European policy. Great alliances had been concluded and undoubtedly they had conducted to the maintenance of peace. Nevertheless, in the emphatic words of this remarkable document, "the unceasing increase in financial burdens is threatening the very roots of public prosperity." Labour and capital, enterprise and invention, were being diverted from the service of man into unnatural channels of destruction. Millions were being spent on engines of warfare which might be deemed irresistible at the time but might on the morrow be rendered valueless by a single new discovery. Economic crises were justly attributed to this system of armed peace and a prediction was made that if the system were indefinitely prolonged it would inevitably end in the cataclysm which it was designed to prevent. "To set a final term, therefore, to these armaments and to discover a means of preventing calamities that threaten the entire world is the supreme duty of every modern State."

The courteous and generally favourable reception given to the Russian Note led, as we all know, to the Hague Conference. On the 13th January, 1899, Count Mouravieff addressed an invitation to all the Powers ; after referring to his previous Note he pointed out that the latest estimates of military and naval expenditure showed a continued growth of armaments.

He therefore renewed his proposal that "an inquiry should be initiated without delay into the means of limiting the present augmentation of military and naval armaments, a question evidently becoming more and more urgent," and also that the way should be prepared for "a discussion of questions touching the possibility of substituting the pacific action of international diplomacy for the arbitrament of force."

England and the United States were comparatively prosperous, and their governments sadly indifferent. Germany was actively hostile. Let me read you a sentence or two from the speech of one of her representatives upon the Russian proposal for an international agreement not to increase the size of armies: "The German people is not crushed under the weight of charges and taxes. . . . Quite the contrary, public and private wealth is increasing. . . . So far as compulsory military service is concerned, which is so closely connected with these questions, the German does not regard this as a heavy burden, but as a sacred and patriotic duty to which he owes his country's existence, its prosperity, and its future."<sup>1</sup>

*Arbiter.* Perhaps you could tell us a little more about the progress of armaments since 1898.

*Ego.* Perhaps the best thing will be to give, as near as may be, the naval and military expenditure of a number of countries in 1898, and the estimates for the present year (1904). The budgets of different countries are prepared at different times, but as my object is to present a general view of the changes that have

<sup>1</sup> Speech by General von Schwarzhoff before the First Committee of the Hague Convention, June 27, 1899. The general had a right to speak for his master but not for his countrymen.

occurred in the last half dozen years, you will not object to a difference in a year.

	Naval Expenditure in 1898.	Naval Estimates in 1904.
Great Britain,	- £25,600,000 <sup>1</sup>	£42,400,000 <sup>1</sup>
France, - -	- 11,700,000	12,500,000
Germany, - -	- 5,900,000	11,600,000
Russia, - -	- 7,000,000	11,800,000
Italy, - -	- 4,700,000	5,000,000
	Army Expenditure in 1898.	Army Expenditure in 1903.
Great Britain,-	- £20,800,000 <sup>2</sup>	£32,600,000 <sup>3</sup>
France, - -	- 26,000,000	26,000,000
Germany, - -	- 32,000,000	32,000,000
Russia, - -	- 30,000,000	35,000,000
Italy, - -	- 12,000,000	11,000,000

I may sum up with a recent calculation made by M. de Molinari that the European working man of the present day has to work a whole month in the year to defray the cost of war and armaments; and in most countries I'm afraid he has to work a week or two longer to pay interest on national debt, that is for the wars which his predecessors could not pay for.

*Clarke.* What an awful thing! And yet we talk of "the comity of nations."

*Arbiter.* There is a good deal of truth in the dictum that military expenditure depends on policy. A policy of territorial expansion that bullies small peoples and dispossesses inferior races is costly enough, but when it comes to a dispute with great nations you must obviously be backed by large forces, prepared at any

<sup>1</sup> Including "extraordinary" expenditure on capital account, *i.e.* on naval works.

<sup>2</sup> Including extraordinary expenditure on capital account, *i.e.* on military works.

<sup>3</sup> For 1903-4.



moment to take the field or the sea. By force Frederick the Great succeeded, after a terrible war, in retaining his Silesian conquest. By force the House of Hohenzollern won and held the Empire of Germany. For want of forces equal to his restless ambitions, Napoleon the Third fell, and France lost two provinces which she had held for a century and a half. But the dictum is only half a truth. The other half is, that expenditure determines policy. Ricardo once said that to keep Ministers peaceful you must keep them poor; and while he was in the House of Commons he voted steadily against every tax on which a division was challenged.

*Ego.* Yes; and in voting, as he did, against all projects for adding to taxes, Joseph Hume was quite justified by the circumstances of the time. It is nonsensical to object that, because it is the business of the Government to fix the estimates and of Parliament to approve them, therefore the estimates only can be attacked. A minority which believes in retrenchment will oppose the estimates, and then if it is beaten on the estimates it will proceed to oppose the taxes that it regards as most obnoxious; and it may very likely be more successful in opposing high taxation than it was in opposing high expenditure! If it succeeds against a tax, the Government must either resign, or revise and cut down its estimates. In 1816 a very large retrenchment in military expenditure was effected by a vote of the House of Commons abolishing the income tax. That was no doubt a shamefully selfish performance—the rich men's representatives abolished the rich man's tax. But it brought about an immediate retrenchment which would otherwise not

have been made. It had many bad consequences, but it probably did more good than harm, because it forced a long succession of Governments into the path of economy.

*Arbiter.* Yes, it was want of money, not of will, that restrained the warlike tendencies of men like Canning, Palmerston, and Wellington. I agree with you that expenditure on armaments and a policy of aggression are related not only as effect and cause, but as cause and effect.

*Seymour.* That is true enough. But there are other things to consider. Retrenchment is all very well, and a peaceful disposition is all very well. But what if another great Power is warlike and quarrelsome, and makes gigantic preparations?

*Arbiter.* In such a case common-sense must be exercised. If Reuter telegraphs that Germany or Russia is preparing a naval programme for building twenty battleships, and thirty cruisers, and fifty submarines, at a cost of fifty millions, keep cool.

*Admiral.* Wait at any rate till the rumour is officially confirmed; then wait again till the money is voted, the contracts made, and some of the ships are laid down. The great rule in naval or military preparations, especially for the leading Power, is never to provoke a race. If our naval supremacy is challenged by a programme we must lay our plans accordingly.

*Arbiter.* Always remembering that in a great and prolonged war it is on the patriotism, the wealth and health, the enterprise, energy and endurance of the nation that success depends.

*Seymour.* Certainly in the army we could do with less money if it were intelligently applied. We want,

as Disraeli said, a model force, small but well paid, with plenty of intelligence and leadership. Then, if war should unfortunately break out, you will be able to carry it to a successful conclusion by successive developments of men and *materiel*, even against far superior numbers.

*Ego.* And surely we may conclude, from the examples of Holland in the seventeenth century, and from our own history, that a sound system of unembarrassed finance, supported by commercial and manufacturing activity, high credit, low debt, large accumulations of wealth and capital, is far more serviceable even for war than unwieldy fleets and armies, which impoverish and overtax the resources of the country.

*Arbiter.* I have the more confidence that this truth can be brought home again to the people, because we are not repeating a merely Cobdenic argument. It was upon these principles that Walpole, and Pitt, and Fox, Peel and Lord John Russell, Disraeli and Gladstone spoke, voted, and acted over and over again.

*Admiral.* Up to the last few years, when five-sixths of our politicians have turned tail for fear of being called Pro-Boers or Little Englanders, no one doubted the truth of those principles except a few half-pay officers, panic-mongers by profession, and half-a-dozen neurotic journalists.

*Arbiter.* Well, of course, I can't use such strong language myself, though we are both old enough to remember a succession of military and naval "Heroes" who have lost their nerves in old age, and have really struck panics into the public mind. But certainly since 1894 England has been the champion panic-monger and armament builder. It has been a most disgraceful

epoch for Europe, and for us especially; in resigning, rather than accede to the naval estimates of 1894, Mr. Gladstone was consistent, prescient, and absolutely right.

*Ego.* Do you remember, Mr. Case, that you are under an engagement to disclose something about the methods of modern firms which manufacture war material?

*Case.* I do. You must know that an action was brought the other day against the famous firm of Armworth & Co. by a gentleman—let us call him Thomas—who had acted for many years as a newspaper correspondent in various countries. He was specially well acquainted with Spain and Portugal, and some of the South American Republics, where he seems to have had influential friends. Mr. Thomas continued to serve his newspaper until 1894; but at that time he had already for eight years been acting for Armworths, not as an ordinary commission agent, but (to use the language of his counsel) “in a position somewhat analogous to that of a private diplomatic agent, or a sort of a private ambassador.”

*Meyer.* Ambassador! I see not what good an ambassador can do in selling ships. Ambassadors play no great rôle in commerce.

*Case.* Well, perhaps the metaphor was unfortunate; for Mr. Thomas was no child in matters of commerce. But my learned friend went on to explain that his client's business was “to find out what was happening in various countries, to let his employers know what was likely to be required, and generally to prepare the way for the receipt of orders for warships and armaments.” From 1886 to 1890 Mr. Thomas acted

for the British firm in Spain and Portugal, but was unable to do much business. In 1890 he went to Argentina and acted as the firm's representative there and in Chili, a curious arrangement at first sight, considering the hostile relations which then subsisted between the two Republics. But of course this very fact made the business thrive. The private ambassador was impartial in his sympathies. He was just as eager to supply one rival as the other.

*Ego.* What was the commission?

*Case.* It varied. By an arrangement made in 1892 he received 5 per cent. on orders for artillery and armaments, and  $2\frac{1}{2}$  per cent. on hulls and machinery. In 1893 he went to China. He was there during the Chino-Japanese War, and stayed in the Far East for four years with one short interval. In the first instance he received £1000 for expenses and 1 per cent. on all orders. In February, 1894—to quote one of the reports—"there was a slight misunderstanding between the plaintiff and the managing director, in consequence of which the plaintiff gave a six months' notice to the firm, determining his agreement with them; but this misunderstanding was subsequently cleared up, and the plaintiff continued to act as the agent of the defendants." In September, 1894, the plaintiff ceased to act as a special correspondent owing to a difference of opinion between himself and the editor as to the political situation in the East.

*Ego.* Did that affect his relations with the armaments firm?

*Case.* No. The arrangement made in February, according to the plaintiff's account, was that he should receive £3000 a year for expenses, in addition to



the 1 per cent. commission on orders. "Not a penny of that has been paid," was his complaint, "and although Mr. Thomas obtained orders worth millions of pounds for armaments and vessels for Chili, China, and Japan, he said he had only received £5000 in 1895 and 1896, and £1000 on account of expenses in 1892." He had received £3695 in 1893, and £8711 in 1895 on sales of warships to Argentina and Chili; but these were for sales effected before the arrangement of 1892.

In August, 1895, the plaintiff returned to the East, remaining out there till May, 1897. The greater part of the moneys he claimed to have earned while in China and Japan still remained outstanding and owing to him by the defendants, who, as the plaintiff alleged, declined to render any accounts. Hence arose the action. Nearly the whole of the first day was occupied in reading the voluminous correspondence which had passed between the plaintiff, Sir ———, and other members of the defendant firm from 1887 to 1895.

In the year 1893, I should add, Mr. Thomas was the first to get news that France might attack Siam. He at once hurried off to Siam where he was received by the King, and very soon his name "rang throughout Siam," whence he wrote and telegraphed to the firm about getting orders for warships and other armaments from the Siamese Government.

*Arbiter.* Was there anything of general interest in the correspondence?

*Case.* Yes, it was most instructive, and in parts highly interesting. Unfortunately it was read so rapidly that only very slight extracts were preserved

by the press, and the dates are only given in one or two cases. I propose, however, if you will allow me, to read a few specimens from the London press.

*We all begged him to proceed.*

*Case.* These extracts are all from letters written by Mr. Thomas to Armworth's Managing Director, and you will agree, I think, that they show what an indefatigable and brilliant agent the firm had to represent their interests. The first three were written, apparently, in 1892, during a brief stay in London previous to his departure to the Far East.

1. "I have taken large offices in Bouverie Street, where I shall receive ambassadors, ministers, and attachés."

2. "I shall try and see the Mikado with regard to the model of your new battleship. In spite of all difficulties I shall also try and show the model to the Emperor of China."

3. "I intend, with De B——'s help, to make this [the increase of the American naval force in 1892] very clear to the Japanese; and I think they will go ahead in their naval preparations. Lord S——y knows Admiral H——m's views, and I intended before leaving discussing the matter with the former, as I have been in communication with him through his secretary on our policy in the Pacific. I am sorry Lord S——y is likely to go out of office, but I have already arranged to carry on the matter with Lord R——y if he becomes Minister of Foreign Affairs."

Next come four extracts from letters which Mr. Thomas wrote to his chief from the Far East in the years 1893-7.

1. "As regards China——. It may surprise you; but it doesn't surprise me, that the Chinese authorities are on good terms with America and Japan. It is quite as well that I am also on very friendly terms with Japan. That may be very useful to Armworth's.

2. "I get on very well with Satow. Ministers differ so very much in character, that one can never be always sure of striking the right chord in a man you don't know—although I have generally been pretty fortunate in this respect.

3. "Russia and France have stolen a march on our Government with regard to lending money to China. The sum is fifteen millions. Thus China practically becomes the debtor of Russia. The Chilian loan is a very great success."

4. "I cautioned the Japanese not to make armour plates for their own ships. I am all right in Japan."

Let me conclude with a delicious quotation from a letter Mr. Thomas wrote from London when a war between Chili and Argentina appeared to be imminent:

"I am going over to Paris to see Mattei [the Chilian Minister], and push him to order another ship. I am really alarmed at the reckless preparations of the Argentines, and I proposed to him that if Chili is going to do anything to meet these preparations no time must be lost."

*Meyer.* A wonderful, invaluable agent.

*Seymour.* Yes; every order he got from Argentina made it easier for him to do business with Chili.

*Ego.* Surely that is not all. You are illuminating a very dark corner of my subject.

*Case.* The action, alas, was settled after the first

day. But it had lasted long enough to show what a queer game the war game is on its commercial side.

### III.

*The Arbiter now turned to me and asked me to continue my paper.*

*Ego.* The idea that one commercial nation may gain by ruining another used to be a maxim of high policy. In the second half of the seventeenth century and the first part of the eighteenth the authors of commercial books and pamphlets almost always urged the Government to undertake some particular war which they said was absolutely essential in order to preserve or enlarge the national commerce. Sometimes it was Holland, sometimes France, sometimes Spain that encountered the jealousy and alarm of English merchants. Not until a peaceful policy had been practised and its advantages proved by statesmen like Walpole, Shelburne, or Pitt, and expounded in the essays of Hume or Tucker and in Smith's *Wealth of Nations*, did our commercial classes begin to understand a little better their own interests. Even now the vulgar error that trade may be made to thrive by war lingers in the minds of many, and we cannot too often insist that all trade is barter, that exports depend on imports, and that it is impossible for one nation to be ruined by the commercial success of another. An individual firm, of course, may be severely hit by either a foreign or domestic rival; but not only do consumers reap an advantage in a cheapening of the price, but it is certain that where a foreign import takes the place of

a domestic product some other domestic product must be exported to pay for what we have received. This is not merely scientific truth ; we know by experience that the countries which the cheap journalist describes as dangerous rivals—the countries whose commercial expansion we are invited to watch with so much jealousy and ill-feeling—are the very countries which afford us a large and increasing market for our manufactures. In Condorcet's *Life of Turgot*, where Condorcet expounds Turgot's political philosophy, the subject is nobly treated ; and as the passage was not referred to by Mr. Clarke when he was speaking of Turgot's views upon federation, I will try to paraphrase it in English :

“If one considers the relations of one people to another, one may say that national interests do not exist, or at least that there is no such thing as a conflict of national interests. No doubt the rulers of one nation may find it of real advantage to subdue another people ; but that advantage cannot extend to the whole body of the nation. The more a country is surrounded by rich, powerful, and industrious neighbours, the more easily will it be able to obtain what it wants, and the more will its own industries be encouraged. It will doubtless be obliged to cultivate only those commodities for which its soil is best suited, and to carry on those forms of industry only in which it can excel and successfully compete. But that, so far from being a loss, will be an advantage to all parties. Liberty of foreign commerce is the only means by which national trade and industry can be placed beyond the reach of monopoly. It is equally important for us that in disposing of their commodities our producers should be rendered independent of home orders by the competition of foreign bidders, and that this same competition, by bringing us foreign goods, should protect us from the avidity of our own manufacturers. Even when other nations reject our commodities and close their ports against them our interest is to keep our own ports open. A reciprocity of prohibitions would only serve to deprive us of foreign supplies and condemn us to pay dearer for our requirements. The interest of every people is the same—to be well governed, to be just



to citizens and also to foreigners, to keep at peace with neighbouring nations. Wars of glory, wars of ambition, wars of commerce are equally without object. It is never to the interest of a people either to attack others, or to restrict their liberty, or to exclude them from some branch of commerce in order to obtain a monopoly. In fine, the interest of any one nation accords with the common interest of all, just as the interest of each individual rightly understood accords with that of the society to which he belongs. The more the nations get of good laws, the less will wars take place. Bad laws are the source both of national hatreds and of those unquiet and turbulent passions which have caused so much national turmoil."

I was anxious that this paper of mine on the political economy of war should not be open to the reproaches so often hurled at arguments from the dismal science. Economists are always liable to be charged with materialism, with disregard for their country's honour and reputation, if they argue that the nation should act in such and such a way in order that it may grow rich, or that it should not adopt such and such a policy because it would infallibly grow poorer. When one is met with this taunt it is always well to examine the case of your opponent, and you will generally find that his policy is as immoral as it is economically disastrous. But in Turgot economic and moral truths are so closely woven that critics of the "blood and glory" school gnash their teeth at him in vain.

*Arbiter.* Your "blood and glory" men are like Tucker's heroes and bruisers. "We don't want to fight, *but* ——." You do right to fix our attention again on wars for trade. If they can be completely discredited and hissed off the stage hardly any inflammable material will be left for mischief-makers. If you have some more information upon the subject up your sleeve, please produce it.

*Ego.* I had intended to spare the company, remembering that you yourself treated the subject on the day we first met. But as you insist, I will give one or two illustrations. The first shall be from the favourite war of the commercial jingo. Browne dealt with it splendidly, but I want to add a little to his sketch :

In the Guildhall at the foot of Chatham's statue an inscription records what Macaulay supposes to have been the general opinion of the citizens of London, that under his administration commerce, *for the first time*, had been *united with and made to flourish by war*.

The Seven Years' War is one of the few which are still popularly supposed to have "paid." But this delusion is not shared by those who have looked facts in the face, and consulted the original and contemporary authorities. The war was ended by the Peace of Paris in 1763. In the Spring of 1761, writes Lecky, "the burden of the war was beginning to be seriously felt."<sup>1</sup> The arguments in favour of terminating a war "are always strong" in the opinion of that sober historian, "but in this case they had a more than common force." The debt was rapidly increasing and the estimates had risen to an alarming extent. In 1752 three per cent. consols stood at 106. In 1755, on the eve of war, they fell to 90, and continued to fall through almost the whole course of the war, though a rumour of peace in March 1761 sent them up four points. But in 1762 they dropped to 63.<sup>2</sup> Early in 1761, when a new ballot was about to be enforced for service in the militia, riots took

<sup>1</sup> See Lecky's *History of England in the Eighteenth Century*, chap. x.

<sup>2</sup> See Hamilton on *The National Debt*, 3rd edition, 1818, p. 318.

place in several counties. At Hexham, where the Deputy Lieutenant and Justices met on March 9th, four companies of the Yorkshire Militia were attacked by 6000 or 7000 Northumbrians, mostly pitmen armed with spiked clubs. An officer and three soldiers were killed. The soldiers fired, killing forty-two and wounding forty-eight. A letter from Berwick recounting the tragedy was printed in the London papers. The writer looked forward with dread to some more extensive movement: "Where it will end, God knows; so variable is the multitude that a measure,<sup>1</sup> brought about a few years ago by their clamour, appears now to them the most oppressive that ever a free nation was subjected to."

The popular change in sentiment was reflected by Burke in the political summaries of the *Annual Register*. In 1759 there is a note of triumphant satisfaction. "Power and Patriotism unite. Liberty and Order kiss. The nation is happy and secure."<sup>2</sup> Six millions had been borrowed at an easy rate, and though taxation was high, voluntary subscriptions had been raised in the large towns for the patriotic purpose of enlisting soldiers, and for the philanthropic purpose of providing French prisoners with clothing. In the following year (1760) the tone is philosophic and subdued. The writer has been persuaded that victories do not decide, the fate of nations. The balance of power, he complains, is the cause of infinite contention and fruitless bloodshed. France, described as "bankrupt" the year before, was now said to be "inspired with no small

<sup>1</sup> The Ballot Act, under which working men had to draw lots for military service.

<sup>2</sup> *Annual Register* for 1759, pp. 7, 56.

hope." Beaten at sea, she looked for success in Germany, relying upon (1) "the strength and perseverance of the two empresses," (2) "the wasted condition of the King of Prussia," and (3)—mark this—"the enormous expense of the German War to England, which must gradually exhaust the resources of her credit, and with them, the patience of an inconstant people."<sup>1</sup> In another passage the writer explains that the English people are now opposed to the war and discontented with its conduct. France had received financial relief from the loss of her navy and of her colonies, and could now carry on a war in Germany against England more cheaply. We were now incurring "an expense which the single revenue of England is by no means able to bear."<sup>2</sup> The *Annual Register* for 1761 gives an account of the negotiations which terminated in the Peace of Paris, and of Pitt's dramatic resignation when his proposal for attacking Spain was rejected by the Cabinet. The attempt made to procure addresses and resolutions in Pitt's favour from the civic and municipal bodies was a failure. The movement was "slow and languid,

<sup>1</sup>The only hope of a "happy conclusion" is that England and France "wearied and exhausted by war" will "huddle up a peace," and so compel Austria and Prussia to do the same. The first overtures must be between France and England, "for they never think of peace in Germany," *Annual Register*, 1760, p. 5. About this time a great effect was produced by a peace pamphlet, *Considerations on the German War*, by one Manduit. Lecky says it had more influence than any similar publication since Swift's *Conduct of the Allies*.

<sup>2</sup>*Id.*, pp. 52-3. On the other hand (p. 54) it was argued, no doubt correctly, that France was really more exhausted than England, and that the channels of colonial trade, at any rate, had been secured by the naval victories.

only a few corporations took part, and some even of those few in a manner less warm than was to be expected." The truth seems to be that the war had begun to occasion much inconvenience and suffering, and Pitt only lost his power when his war lost its popularity. Burke thinks that a no less advantageous peace might have been concluded in 1758, at the close of the third campaign. But the war was then still popular in England. By 1760-1 if the animosity of the belligerent Powers was not abated, "at least a great part of the fuel of discord had been consumed."

Macaulay himself, than whom few great writers have been less insensible to glory and martial achievement, or more disposed to slur over the social and economic suffering that are involved, cannot assent to the Guildhall inscription. The price, he says, at which Chatham purchased victory, "though far smaller than that which his son, the most profuse and incapable of war ministers, paid for treachery, defeat, and shame, was long and severely felt by the nation."

*Meyer.* The war must have circulated a lot of money in Germany.

*Ego.* Yes: Horace Walpole, after describing the severity of the winter campaign of January, 1860, expressed his amazement that with such weather, such ravages, and distress there was anything left in Germany but money: "for thither half the treasure of Europe goes: England, France, Russia, and all the Empress [Maria Theresa] can squeeze from Italy and Hungary, all is sent thither, and yet the wretched people have not subsistence. A pound of bread sells at Dresden for elevenpence."

*Case.* To complete your picture of the misfortunes



caused by the Seven Years' War, let me subjoin the reflections of my hero, Romilly, to whom this very war suggested the paradox that a victorious war is more calamitous to England than defeat.

"I had the mortification, a few days ago," he wrote (June 4, 1790) to a friend in France, "of finding myself considered as a maintainer of the most extravagant paradoxes, because I asserted that a war of any kind must be to England a calamity ; but that a victorious war would be the greatest of all calamities. And this is thought a paradox after the experience of the glories, as they are called, of Lord Chatham's administration—glories which procured no one solid advantage to this country ; which did not add one single moment's happiness to the existence of any human being, but which were purchased by an immense debt, by infinite bloodshed, and, what was worse, which gave us false notions of our honour, and our dignity, and our superiority, of which we cannot be corrected but by the loss of much more treasure and much more blood."

A melancholy analysis this ; and it came dolefully true. Yet we had already been corrected by the humiliations of the American War and the loss of all our richest colonies. Romilly's remarks were provoked by the clamour for a war with Spain, which was being artificially worked up "by the barbarous prejudices of persons concerned in privateering, or in particular branches of commerce." The discovery, he says, of a grand elixir which would efface pain and disease from the list of human calamities could not have given a humane person more pleasure than some Londoners felt at the prospect of plundering foreign merchants and sinking Spanish ships. It was easy, by means of the London mobs, to make Parliament think that an unjust and impolitic war would be popular.

*Ego.* I promised you another illustration of wars for

trade, and it shall be a modern one, from British policy in West Africa. Few of those who supported the late war in Ashanti did so on grounds of morality, justice, honour, or even *prestige*. It was simply a war for trade, or—as certain company promoters would say—a war for goldfields. What is the history of the Gold Coast settlements? From 1672 to 1807 we used them simply to obtain a cheap supply of slaves for our colonies and plantations, as the directors of the Chartered Company and the owners of the Rand still use the northern districts of Rhodesia to recruit cheap labour for the mines. In 1807 slavery was abolished. In 1830 the British Government, finding Gold Coast administration costly, and that its cost was not justified by its trade, determined to withdraw. The British merchants concerned then appointed the Governor (Maclean) to be their agent, and obtained £4000 a year as a grant-in-aid from the British Government. Governor Maclean had never believed in provoking war, and he was now absolutely prevented from fighting by lack of soldiers. He understood the natives, and cultivated peaceful relations with them. What was the consequence? During the nine years of his peaceful reign the value of our exports to the Gold Coast, according to official statistics, amounted to £2,274,000.

After his retirement the Gold Coast had twenty-six new Governors in twenty years. An aggressive policy was again undertaken. There was a big war in 1863 (costing £700,000), and another in 1873-4 (costing £900,000), and altogether, between 1854 and 1874, the British taxpayer had to pay £2,090,000 for military and civil expenditure on account of Ashanti,

while British merchants and manufacturers were selling goods to the value of £2,300,000. Thus in twenty years of war for trade they sold only £26,000 more than in nine years of peaceful commerce! I dare say it will appear, when the Colonial Office, the Foreign Office, and the Board of Trade have disgorged their secret hoards of mystifying figures, that we have come off even worse in West Africa during the wars of the last ten years. The absurdity of fighting for trade outlets and commercial privileges can be demonstrated in every case; but the economic futility of such a course must be obvious to the simplest jingo when the question is one of colonial expansion in tropical countries. For great Powers like France, Germany, and Great Britain to quarrel about tracts of Central Africa will not bear thinking of. A few years ago a careful statistician computed the annual profits of the whole of our West African trade at £170,000, and of our whole China trade at £900,000. What would a war with a great Power cost in taxes, debt, and commerce? Say 500 millions sterling, which would represent the sum total of the profits on the China trade and the West African trade for 500 years to come.

The latest chapter of Ashanti history may be called "The Quest of the Golden Stool." In December, 1899, an idiot boy came to Accra, and said he knew where the Golden Stool was concealed. The British Governor listened eagerly to the boy, coveted the stool, and sent an expedition to find it. In March, 1900, he told the chiefs that King Prempeh would never be restored, demanded the Golden Stool, and asked for a large tribute. From this arose a dreadful

war, which cost many hundreds of thousands of pounds, and many thousands of lives. This war for the Golden Stool was waged with the sanction of the Colonial Office. It was quite typical of the new imperialism. Our prancing proconsul, in his address to the chiefs, is reported to have cried: "Where is the Golden Stool?" "Why am I not sitting on it at this moment? I am the representative of the paramount Power; why have you relegated me to this chair?" referring to a biscuit box, seated on which he was trying to assume the imperial pose.

King Prempeh was stripped of his golden ornaments that they might be exhibited at a Colonial Office exhibition. And our Colonial Secretary's excuse for this contemptible theft was that most of the ornaments were only plated! The quest of the Golden Stool—we are still in quest—was defended on the plea that "it possesses a great moral and intellectual force." The possession of the stool "gives supremacy"; and "if ever we should secure the stool we should be doing more for confirming the peace of Ashanti than probably by any armed expedition."

*Arbiter.* Your account is very interesting. It would be well if our own people, and the French and the Germans and the Dutch and the Spanish and the Italians, could learn from the historian as well as from the taxgatherer the futility of these small wars. But to return to the big wars and the financing of them. Prussia, you reminded us, emerged from the Seven Years' War practically without debt. But that was the last case of the kind, I should imagine, and in every fresh war credit seems to play a more important part. What says Capel Court to that?

*Meyer.* I reply in the affirmative. Japan is maintaining her gold currency entirely by means of internal and external loans. The German theory that a large gold reserve is necessary for war is quite obsolete. Russia is old-fashioned enough in all conscience; but that huge treasury in St. Petersburg is not kept for paying the army, but for maintaining Russian credit, to help to borrow the funds out of which the soldiers are paid.

*Arbiter.* And the cost of this war is being defrayed, in the first instance, by other countries.

*Meyer.* For the most part by English, French, German, and American investors.

*Arbiter.* And without these foreign loans such a war could not be carried on.

*Meyer.* Not for long, I think, on its present scale, without bankruptcy in Japan or revolution in Russia.

*Arbiter.* And Japanese investors in a "Patriotic Loan" might hedge by investing in a Russian Loan.

*Meyer.* Naturally. According to the saying, *Capital has no sentiment.*

*Ego.* I recollect two early cases in the Napoleonic wars. One, I think, is from Buxton's Life.<sup>1</sup> Rothschild transmitted £800,000 in gold to the Duke of Wellington *through France*. In that case Frenchmen smuggled eight tons of gold through their own country to provide the army of their most dangerous foe. The other instance is given in *Bourrienne's Memoirs*.<sup>2</sup> Bourrienne was ordered to procure 16,000 military coats, 37,000 jackets, and 200,000 pairs of shoes for the French army for the Eylau campaign, and he got them from England through a Hamburg firm.

<sup>1</sup> P. 289.

<sup>2</sup> Vol. vii., c. 20.



Many English mills must have been kept busy many weeks with this order; and of course the manufacturers (and probably their workmen) knew that they were employed in equipping their enemy.

*Case.* Those are precedents I suppose; but now-a-days we go far beyond them. Witness that recent case I gave you of a great battleship firm with a clever traveller seeking orders all over the world.

*Seymour.* There is a fierce competition, of course, among firms manufacturing arms, explosives, and war material of all kind for foreign orders. I believe French and German diplomacy often concerns itself to obtain orders for rifles and guns from countries like Turkey.<sup>1</sup>

*Admiral.* In a naval war I suppose we shall see something of this kind. Reuter's correspondent telegraphs from — that the British battleship "Victory" (Armstrong's) was attacked by three German torpedo boats (Whitworth's). Happily she was saved by the new torpedo nets (recently purchased from a Westphalian firm) and only one of the torpedo boats escaped, the other two being sunk by well directed shots from two of Krupp's 6-inch guns."

*Clarke.* The world will have to revise its notions of patriotism in the light of modern commerce. Surely, Truelove, one of your German moralists must have examined this problem? Is the Staat to allow its subjects to arm foreign States against itself?

*Truelove.* The German philosophers no longer speak out on these subjects. From the time when

<sup>1</sup> A Turkish loan was recently authorised in France on condition that an order for guns should be given to French firms.

Hegelianism became the Court-philosophy, it has been a maxim of German politics that morality does not count. Might is right. Individual gain is national advantage.

*Meyer.* The Kaiser likes to see the whole world armed. So long as Essen is prosperous, and the Fatherland has the first pick, he will not be troubled about Germans arming their neighbours.

*Seymour.* I doubt if any check on such exports is practicable. Look at the strength of the interests. Where is the Government that would dare to prohibit Birmingham firms from executing orders for a foreign Government? Even in our small frontier wars British soldiers must expect to be shot at with British rifles.

*Meyer (pensively).* Certainly war is becoming very international. Yet, if one should break out, say, between Great Britain and Germany, I doubt if popular sentiment would allow a German battleship to be built on the Thames or a German loan to be floated, officially, in London. But why not? Business is business. It cannot be mixed up with patriotism. Let manufacturers sell to the highest bidder, and let investors put their money into the best thing that offers. If I make a profit from Germany I shall be better able to pay my taxes.

*Case.* Mr. Meyer is logical. I believe if war goes on much longer it will be a purely governmental affair. Apart from its cost, no one will take much interest in it except the professional men—the army and navy I mean. I remember once proposing at a college debate that we should hire eight gyps to row in future instead of making galley slaves of eight luckless

undergraduates. Well, war is rapidly becoming a game to which some such principle will have to apply. If a few Jingo demagogues ("representative" statesmen) set two civilised nations by the ears, you cannot expect intelligent citizens on either side to become enemies, or traders to cease from trading. The virtue of patriotism, so far from being peculiar to war, will only shine in peace. War is a thing so stupendously foolish and wicked that true patriots, if they cannot avert it or stop it, will try to disregard it; and we should encourage the salutary tendency of international law to restrict war as far as possible to the contending armies and navies, and to protect private property and commerce, not only from seizure, but from search.

*Seymour.* For my part, so long as the custom of war continues, I hope that quarrels will be national and that the whole nation will suffer with the army and navy. Private property and trade in articles not contraband of war should be respected, I agree. But except in the case of an unjust war every patriotic citizen should surely desire and seek to compass victory.

*Arbiter.* If it were not so late I should command you to define "unjust" and "patriotic"; but we want to hear the economist out.

*Ego.* I have not much more to say, though the subject is really inexhaustible; and I want to end where I began, on the analogy between the nation and the individual.

A nation is not an economic unit in the same sense as an individual, and many of the current arguments about "international trade," being based upon this supposed identity, are fallacious. But as every nation has its own financial organisation, its separate statistics

and its customs tariff (as well as its history), and as it therefore acts separately in accordance with what its rulers for the time being regard (or affect to regard) as its interests, we may for many purposes treat the financial life of a nation as we should treat that of an individual. They are similar though not identical. We all know how an individual amasses wealth or sinks into poverty. If he goes on for a long time spending more than his income he must fall into debt, and eventually perhaps into inextricable embarrassment. If he spends less than his income and invests his savings judiciously he gains in wealth and independence. But the character of his expenditure is quite as important as the difference between his expenditure and his income. Mark Pattison used to say that every one ought to spend at least ten per cent. of his income on books. From a merely economical point of view an intelligent manufacturer or merchant would probably spend at least that proportion on obtaining the best information, and in years of prosperity he might wisely spend twenty-five or fifty per cent. of his profits in improving his machinery or rebuilding his premises. It might even be advisable to borrow a large sum to effect improvements which would recoup themselves in economies of production or distribution. The principal difference, when we turn from the individual to the nation, is that what is called the national income, *i.e.* the revenue of the Government, is only a fraction varying perhaps from one-fourth to one-twentieth of the aggregate total income of the individuals who constitute the nation and contribute to its funds. Consequently a course which leads an individual to



ruin in a few years may be persisted in by a Government for a long period without producing national bankruptcy. In an age of invention and manufacturing improvement an industrious and enterprising community may enjoy a continually advancing prosperity, though its Government is continually wasting public money, and though its annual budgets exhibit a long series of deficiencies.

The economic history of France since the war with Germany is an example. Its population has been almost stationary, expenditure on unproductive services has increased, the debt has grown, deficits have been the rule; yet in the absence of war its industrious and thrifty population is probably rather better off than it was in the sixties. It was once argued—but not, I think, proved—by an Edinburgh reviewer that Great Britain was more prosperous in 1816 than in 1776, in spite of an addition of more than seven hundred millions to the national debt and of about ten millions to the annual expenditure upon the army and navy.

Keeping this in mind, we shall be able to avoid exaggerations. We shall find, without travelling outside the limits of truth and fact, that the nature and extent of taxation and of expenditure by a government is intimately associated with the welfare of the governed. As Count Mollien, Napoleon's Minister of the Treasury, says in his memoirs, "Public finance touches private at a multitude of points, and raises up for itself a judge in every household."

No one who has been acquainted with the history of government securities during the last few years,



still less the student who has profited by the recorded experience of a century, can doubt that every addition to debt, at least every addition for a profitless object, prevents or checks the rise of public credit, deadens enterprise and narrows the field of employment. It is equally certain that every increase of taxation is an evil save in so far as the money raised is expended upon public health, public education, public recreation, or some other work, such as the improvement of roads, railways, or canals, which adds to the amenity, health, and intelligence of the nation. There are still, indeed, people who, confounding taxes with some particular form of public expenditure which they desire, or falling into a cruder error still, contend that taxes if spent in the country do no harm. If a penny were added to the income tax and the two and a-half millions thus produced were spent in gunpowder manufactured in the United Kingdom, and were fired off in royal salutes at different towns of England, Scotland, and Ireland, no loss, they say, would be felt; we should be exactly as we were. But if the gunpowder were bought, let us say, in Germany and fired away in the Crimea, the whole sum would be wasted and lost in an *economic* sense, however greatly it might add to the power and renown of the United Kingdom and to the confusion of our enemies!

*Meyer.* But taxes, they say, return to those from whom they are collected.

*Ego.* That sounds very plausible until we go on to ask about the process by which they are returned. Take the case of a soldier whom it costs £80 a year to feed, equip, and house in time of peace. This

£80 is paid by twenty working men with families on an average of three, say by eighty people. Each of the eighty persons contributes a sovereign during the year. The money goes to the Treasury, the Treasury pays it to the War Office, a servant of the War Office buys the wheat, meat, cloth, etc., from English farmers and manufacturers. But the farmer and the manufacturer do not get what the twenty labourers have *given* to the Treasurer *given* back to them. They have to exchange goods for money. And the net result is that the community has to spend £80 a year in order that one of its members may perform unproductive work as a soldier. If that soldier is not required to defend the country the sum is wasted just as much as if £80 worth of hay had been burnt.

*Arbiter.* That is an excellent answer to a time-honoured fallacy, and I shall not allow Meyer the privilege of a reply; for the luncheon hour is about to strike, and so, like the town clerk of Ephesus, though for a different reason, I dismiss the assembly.

## THE SEVENTH DAY. SUNDAY.

### MARTIN TRUELOVE'S ESSAY ON CHRISTIANITY AND WAR.

#### I.

I SUBMIT this paper with a deep sense of its unfitness and unworthiness, but with a stronger sense of the duty that lies on a Christian clergyman to discover for himself and interpret to others the teaching of Christ and His Church about war. Hardly had I begun to collect my materials when Tolstoi's extraordinary letter appeared in the *Times*.<sup>1</sup> It enchanted and (let me confess) it enthralled me. When I had shaken off the spell and began to see the foundations of his appeal the impression produced by its dramatic simplicity remained ; I felt the nobility of the sentiment ; I recognised the merciless severity of the reasoning and the power of the categorical imperative. "Fight not at all," says Tolstoi, "that is the clear precept of Christ." But I could not accept his premises, even though I could not prove them untenable. At last I retreated. You may say that I was a coward ; but after all I am not bound to write a treatise on Man *v.* State ! Frankly, I was

<sup>1</sup> Since reprinted with additions under the title "Bethink Yourselves," by the *Free Age Press*.

impressed without being convinced by the Russian. With his hatred of the State as such I cannot agree. After all it is the State that has saved the individual from private war. It is with his other view, that all war is essentially unchristian, that this essay of mine is concerned. A heathen can arrive at the conclusion that most wars are wrong. Must a Christian affirm positively that all war, even a defensive war against an invasion, is wrong? Here again let me be candid and cowardly. I dare not take the responsibility of saying yes or no. If I said "Yes," I should have to censure all the great warriors who have been called great Christians; I should have to decanonise saints innumerable. If I said "No," I should be going against a deep instinct that tells me he is right. Tolstoi reminds us of our Master's precept: "love your enemies." The Christian world of practical men answers: "Yes, but what if they attack you?" Tolstoi replies: "they won't attack you; if you love your enemies you will have none." This ought to be true, but is it?

*True love paused in evident doubt and confusion. The Arbiter kindly interposed to give him time to recover. "Yes," he said, "that is a fine saying. Tolstoi sometimes repels me too. A German critic has compared him to a Greek Monk. His dislike of government is perhaps an abstraction from his experience of Czardom. It almost blinds him to the necessity of a society and quite to the virtues of national and civic life. But as a Christian Evangelist he has planted himself securely on the highest ground. If mankind follow that argument with good sense and moderation they will eventually—and perhaps the*

end is nearer than we believe—find peace. And when we talk of *practical* policy, let us not forget that our free trade policy of open ports was regarded as an impracticable Utopia by its author. It has proved to be our strongest bulwark. But for that our empire, our wealth, our conceit must long ago have united the envy of Europe against us. We have disarmed enmity by the policy of the open door. If you love your enemies and treat them as friends, you will have no enemies. We are the best customers of nearly every nation. We might have tried retaliation. Instead we have applied Christian wisdom to commercial policy. And if ever we were involved in war and our navy beaten, neutral nations would take very good care, in their own interests, to preserve their commerce with us, and consequently our food supply. But I am interrupting you, Martin. Pray, read on ; it promises to be very interesting.”

“I am afraid that you will find it the reverse,” said *Truelove*. “The fact is, as I told you, I had not the courage (or rather I had too much discretion) to stand up to Tolstoi. I really felt unequal to grappling with his philosophy and pronouncing an opinion on the merits of anarchism. He would abolish wars by abolishing governments. I would abolish wars by improving governments. But I do not like to offer you my own raw notions of politics to devour. My discourse, as you will soon discover, is mainly an attempt to elucidate the teaching of the New Testament and the judgments and practices of the early church.”

*Truelove thereupon continued his paper.* “There have, needless to say, existed for many centuries com-



munities of Christians who regarded war as a thing unlawful and incompatible with their faith. Such was the view of the Paterines or Gazari of Italy in the eleventh, twelfth, and thirteenth centuries, and of the more famous Waldenses, Albigenses, and Lollards who succeeded them." Truelove turned to Clarke and asked whether this was correct.

*Clarke.* Assuredly. A number of these persecuted people from France and Italy, *who bore no arms*, it is said, and *rather chose to suffer than resist wrong*, settled in Bohemia on the Eger in the twelfth century. Some of them found their way to Germany and the Low Countries, where they were called Lollards; thence the name came to England and was applied to the followers of Wycliffe. That great Christian and reformer regarded human life as sacred and war as utterly unlawful. You remember his famous question: "When will the proud priest of Rome grant indulgences to mankind to live in peace and charity, as he now does to fight and kill one another?"

*Truelove (continuing).* "During the Reformation there were great discussions on this question among the Socinians on the Continent, some maintaining that war was altogether unlawful, others conceding that arms may be used in self-defence." Truelove again stopped, and again turned to Clarke. "But you are far more familiar with this controversy than I am."

*Clarke.* There undoubtedly were differences of opinion as to the lawfulness of war for self-defence; but I think it was the general view of the Socinians for a long time that all killing is murder. I have a note here that I took the other day on the subject:

(reads) "Ruarus of Amsterdam, referring to the frequency of wars and capital punishment in his day, remarks that it is harder for a Christian to be a magistrate (*i.e.* to hold office under government) than for a rich man to enter into the kingdom of Heaven." But will you not tell us about your own great luminary Chillingworth, who, after a brief conversion to Rome, shed such lustre on the Church of England?

*Truelove* (colouring). I did not know him as a pacificator. Indeed, I thought he had fought with the Royalists.

*Browne*. Yes, at the fruitless siege of Gloucester, in 1643, he directed the construction of certain engines for assaulting the town, modelled upon the Roman *testudines cum pluteis*.

*Clarke*. Very true; but I am thinking of a sentence in Clarendon's admirable portrait: "he did readily believe all war to be unlawful; and did not think that the parliament (whose proceedings he perfectly abhorred) did in truth intend to involve the nation in a civil war, till after the battle of Edgehill; and then he thought any expedient or stratagem that was like to put a speedy end to it, to be the most commendable."

*Seymour* (laughing). And I suppose he flattered himself that his *testudines* would put down all resistance.

*Browne*. Waller took him prisoner at Arundel Castle without the help of *testudines*!

*Arbiter*. But Chillingworth, too, was accused of being a Socinian; which reminds me of a passage in Tillotson that you must really let me read before Martin goes on. It is a great favourite of mine,

and I hope you won't think it irrelevant to this discussion.

(*Here the Arbiter took a book from one of his shelves and read*):

"I know not how it came to pass, but so it is, that everyone who offers to give a reasonable account of his faith, and to establish religion on rational principles, is presently branded for a Socinian; of which we have a sad instance in that incomparable person, Mr. Chillingworth, the glory of this age and nation: who, for no other cause that I know of, but his worthy and successful attempts to make the christian religion reasonable, and to discover those firm and solid foundations upon which our faith is built, has been requited with this black and odious character. But if this be Socinianism, for a man to inquire into the grounds and reasons of a christian religion, and to endeavour to give a satisfactory account why he believes it, I know no way but that all considerate and inquisitive men that are above fancy and enthusiasm must be either Socinians or atheists."

"The pure milk of the word," *cried Clarke*, "and from an archbishop, whom one would expect to supply more water than milk."

*Browne*. But allow me to add, before Truelove goes on, that the Anabaptists and Independents did not harmonise practice with precept any better than Chillingworth. His opponent Cheynell says: "An Anabaptist doth not think it lawful to be a cutler; he thinks no sword ought to be made, because he conceives it unlawful to use a sword. It is well known that the Anabaptists go to sea without ordnance in their ships, and travel without any sword at their side." And he goes on to explain the fact that there were plenty of fighting Anabaptists in the Civil Wars, by supposing the English Socinians to have taught the English Anabaptists to deny those principles in practice which they maintained in dispute.

*Clarke.* Your facts can't be gainsaid; but the golden principles of their founders were kept pure by the Mennonites or Unitarian Baptists, in Germany, Russia, and Holland. Even the Independents, by whose valour England won herself for a time republican institutions, and destroyed for ever "the right divine of kings to govern ill," refused to adopt the common maxim of the military profession that a soldier has nothing to do with the justice of his cause. When Cromwell began a war of aggression against Spain, with the wanton seizure of Jamaica, many of them threw up their commissions.

*Case.* Possibly the action of conscience in that instance was invigorated by the prospect of death by disease in some malarious eldorado of the West.

*Admiral.* Like enough. The Spanish Main had already lost its glamour for Englishmen.

*Clarke.* I think you do them an injustice. At all events you must admit that the Independents were the first set of people in modern Europe, who, having become the ruling class in a great State, established the principle of religious toleration, and so, in the words of one of their two greatest men:

"Helped us to save free conscience from the paw  
Of hireling wolves, whose gospel is their maw."

*Arbiter.* True, it was a splendid example for conquerors to set. The cessation of religious war and of religious persecution is one of the greatest benefits conferred upon mankind since Christ's coming; aye, and I make no doubt, the longest step we have yet taken toward the fulfilment of His promises. And for that the Independents deserve all credit. Yet there was one brutal exception. Cromwell's treatment

of the Irish Catholics is a foul and ineffaceable blot upon his government.

*Truelove.* Yes and in their scheme for an Independent Establishment in 1657, the Independents excluded from toleration Prelacy as well as Popery, and I rather think they persecuted the Quakers both in England and America.

*Clarke.* As to prelacy the disestablishment of a persecuting church was necessary to the establishment of toleration. The early Quakers were often wild, anarchical and turbulent. Some of them were dangerous violent fanatics. I don't think it was part of the Independent policy to interfere with the practice of any form of religion. True the policy of toleration did not extend to the Irish Papists; but that was mainly because they were in armed rebellion against the new order. The English Catholics were not persecuted according to the ideas of the time, as Philip II., for instance, persecuted his Protestant subjects in Spain and Netherlands. It was in war, and in Ireland, that Cromwell was so merciless. And even in Ireland, Papists who took no part in the rebellion received grants of land in Connaught.

*Browne.* On a small scale, the sack of Drogheda was comparable to the sack of Magdeburg—though it had this excuse that it was an act of reprisal and policy. As for persecution, there was still on the statute book at the beginning of the eighteenth century, a provision that any Jesuit priest found in England should suffer death.

*Here there was a pause, and the Arbiter nodded to Truelove, who proceeded with his paper.*

The last of the sects to whom I should like to



refer in these preliminary remarks is of course the Quakers, a name that is almost synonymous with peace. Blessed are the Peace-makers !

It would require a volume even to epitomise the noble deeds of this small community. Are they not the salt of the Anglo-Saxon earth ? It was a Quaker, William Penn, who founded the colony of Pennsylvania—the first modern constitution, if we except that of Maryland, which provided for freedom of conscience, the first State which made a fair treaty with savages and kept it. Voltaire called it “the only treaty with Indians never sanctioned by an oath and never broken.” Even in our own day Quakers, in England certainly, if not in the United States, are the backbone of most of the resistance that has been offered to recent outbursts of aggressive imperialism. To the Quakers more than to any other set of men we owe the foundation and beneficial activity of the various societies for spreading the principles of Peace and Arbitration. Peace Conferences promoted by them have had most important results. Quakers again have taken the lead in abolishing slavery, in humanising warfare, in improving treatment of the wounded and of captives, and in affording succour to non-combatants. An adequate survey of their work would be almost equivalent to a history of the humanitarian forces in English and American society during the eighteenth and nineteenth centuries. The fundamental articles of their creed in this respect may be set out in the quaint but beautiful language of Robert Barclay, one of their earliest and ablest apologists :

“ If to revenge ourselves, or to render injury, evil for evil, wound for wound, to take eye for eye, tooth for tooth ; if to fight for

outward and perishing things, to go a-warring one against another, whom we never saw, nor with whom we never had any contest, nor anything to do; being, moreover, altogether ignorant of the cause of the war, but only that the magistrates of the nations foment quarrels one against another, the causes whereof are, for the most part, unknown to the soldiers that fight, as well as upon those whose side the right or wrong is; and yet to be so furious and rage one against another, to destroy and spoil all, that this or the other worship may be received or abolished; if to do this, and much more of this kind, be to fulfil the law of Christ, then are our adversaries indeed true Christians, and we miserable heretics, that suffer ourselves to be spoiled, taken, imprisoned, banished, beaten, and evilly treated, without any resistance, placing our trust only in God, that He may defend us, and lead us by the way of the cross into His kingdom. But if it be otherwise, we shall certainly receive the reward which the Lord hath promised to those that cleave to Him, and in denying themselves, confide in Him."

These words take us at once to the question which every Christian is bound to answer for himself, either by directly searching the Scriptures, or by seeking the authority of the Church, or by both methods, as I conceive to be the duty of a member of the Catholic and Apostolic Church. Let us then first ask what is the teaching of the New Testament, and next what interpretation was placed upon it by the early Christian fathers. In his chapter on War and Military Establishments, Paley observes in his superior way: "Because the Christian Scriptures describe wars as what they are, as crimes or judgments, some have been led to believe that it is unlawful for a Christian to bear arms." This belief, he contends, is erroneous, for the reason that society must protect itself by force if necessary. "Hence, although the origin of wars be ascribed in Scripture to the operation of lawless and malignant passion, and although war itself

be enumerated among the sorest calamities with which a land can be visited, the profession of a soldier is nowhere forbidden or condemned." Paley's argument has often been used and abused. It is as old as the later fathers. It has been glossed and reglossed in the voluminous writings of many pious, learned, and acute men who have handled this most difficult theme.

*Browne.* Talking of the later fathers how do you account for the fact that in the declining days of the Empire Christians used to apostrophise Augustus as a temporal Christ?

*Clarke.* Christians! You mean courtiers. But they yield to the monk, rebuked by Bossuet, who compared Louis the Fourteenth with God, and decided that the latter was the copy.

*Truelove.* The idea about Augustus was based upon the pacific character of his Empire. Augustan Rome was mistress of the whole civilised world, and an army of less than 300,000 men sufficed to police the provinces and to maintain their frontiers against the barbarians. Therefore, it was natural to regard the Roman soldier as first of all a policeman, a man who kept the peace, maintained the majesty of the law, and secured the subjects and citizens of the Empire in their lives and properties. This simple fact should, I think, weigh heavily against the merely negative argument upon which both Grotius and Paley lay so much stress—that the military calling is not expressly forbidden by Christ or His apostles. If the whole civilised world were united under one government, if its policy were a policy of non-extension,<sup>1</sup> and an army were maintained merely for the purposes of

<sup>1</sup>The policy prescribed by Augustus in his will.

police and of protection against barbarian inroads, the soldier's profession would not call for moral reprobation.

Remembering this, we shall hardly hang, or attempt to hang, an argument for the Christianity of war upon so slender a thread as our Master's eulogy of a Roman centurion: "I have not found so great faith, no, not in Israel," or upon the story of Cornelius. Yet it has been seriously contended that, because the first Gentile convert was a Roman centurion, and because we are not told that he quitted the service after becoming a Christian, therefore war is approved by Christianity! Others, in their desperate search for precedents, have appealed to the case of Sergius Paulus, a civil magistrate, who (they point out) is not said to have abdicated his office after conversion to the Christian faith. Another argument is, that when the soldiers asked John the Baptist what they should do, he did not tell them to relinquish their profession, but only said: "Do violence to no man, neither accuse any falsely, and be content with your wages." If, as I suggested, we read policemen for soldiers, this is exactly the kind of rule upon which one would like policemen to act.

*Case.* If you had travelled on circuit and attended Quarter Sessions you would have been still more impressed by the excellence of John's counsel. It is an epitome of the good policeman's character.

*Truelove.* Should this answer of mine appear insufficient, I may be allowed to quote what Barclay says in his *Apology* (prop. 15, sect. 15): "The question is not concerning John's doctrine, but Christ's, whose disciples we are, not John's; for Christ, not John, is that prophet whom we all ought to hear. But what

was John's answer, that we may see if it can justify the soldiers of this time? Consider, then, what he dischargeth to soldiers, viz. not to use violence or deceit against any; which being removed, let anyone tell how soldiers can war. For are not craft, violence, and injustice, three properties of war, and the natural consequences of battles?"

Grotius remarks that the apostle Paul, when he was informed of the Jews lying in wait for him, let the captain know, and so obtained a guard for his journey, and did not warn the captain or the soldiers that it is wrong to repel force by force. To this he adds a passage (Acts xxv. 11), where St. Paul says: "If I be an offender or have committed anything worthy of death, I refuse not to die." The apostle therefore, Grotius infers, must have thought that even after the publication of the Gospel law there were still some crimes that ought to be punished by death. "But when we have proved," continued the Dutch casuist—for this is casuistry rather than reasoning—"that capital punishment may lawfully be practised after the coming of Christ, we have also proved, as I conceive, that war may be lawfully made, for example, against an armed multitude of evil-doers—who must be overcome in battle that they may be dealt with by justice."<sup>1</sup>

Upon these texts I must remark: first, it seems a little rash to conclude from St. Paul's "if" that our Lord was in favour of capital punishment; and, secondly, it does not at all follow that because capital punishment is right, therefore war is justifiable. No one argues that the capital punishment of an innocent

<sup>1</sup> See Grotius, *De Jure Belli et Pacis*, Book i., chap. xi. sec. 13.



man is right, and no one denies that war involves a slaughter of innocent men. The late Doctor Whewell wrote a note upon this passage, which shows that Grotius' argument almost amounts to a condemnation of war.

He says: "To treat the army of an enemy as a body of evil-doers is not the true view of war, nor necessary to its justification. War is a relation between two *States*; and the right of making war is a necessary right of a State."

Here of course the Cambridge casuist separates politics from ethics, and contends for a political as distinct from a religious or moral justification, which it is not within my province to examine.

Already the principal texts of the New Testament, upon which Christian apologists for war rely, are nearly exhausted, and I am sure you will agree that they are poor defences to sustain those who would like to be militarists and Christians at the same time, thereby nullifying the whole spirit and purport of Christ's coming and Christ's teaching—Peace on earth and Good Will to men.

The New Dispensation appears to me to have differed radically from the Old—though even in the Old Testament there are remarkable anticipations of the Sermon on the Mount. The command, "Thou shalt not kill," and the warning, "Whoso sheddeth man's blood by man shall his blood be shed," are indeed explicit enough; but it is impossible to maintain that war was not in many cases both permitted and enjoined by the God of the Hebrews. How often must we blush as we read the prescribed lessons in the history of God's chosen people! Is it edifying

to remind Christian congregations that some of the worst and foulest atrocities known to history are recorded with joy and approbation by some of the writers of the Old Testament. But what the lover of peace loses in the Kings and Chronicles, he regains in the Prophets. It is in Isaiah, of course, that the idea of universal peace is first adumbrated as a consequence of the coming of the Messiah.

“And He shall judge among nations, and shall rebuke many peoples; and they shall beat their swords into plow-shares, and their spears into pruning-hooks: Nations shall not lift up swords against nations, neither shall they learn war any more.”

Other predictions of equal truth and beauty are recorded in the eleventh chapter of Isaiah, in the fourth of Micah, and in the second of Hosea; and their fulfilment, so far as the divine command is concerned we find in the Sermon on the Mount, though that command has not yet been executed by Christian peoples.

Grotius, who concludes that all war is not unlawful, examines first the principles of natural law, then the principles of the old dispensation, or of the Old Testament, and lastly, the law of Christ. From the two first he finds little difficulty in justifying resort to arms in certain cases, either by individuals or States. But he admits that there is a radical difference between the law of Christ and the law given by Moses: *Ye have heard it was said by them of old time. . . . But I say unto you. . . .* Obviously Christ was not a mere interpreter of the law given by Moses. Although most of the virtues required of Christians were either recommended or enjoined to the Jews, they were not set forth in the same degree, or with

the same breadth. Touching the Sermon on the Mount, and Christ's teaching generally, Grotius can only urge that if Christ's intention had been to take away the right of making war under any circumstances, He would have done so in the most express and specific language, on account of the magnitude and novelty of the proposal. But considering the universal peace which reigned over the civilised world in the life-time of Christ, the idea of peace was not startling or novel. It was the Roman mission to civilise and pacify the world. Christ seemed rather to be recommending an institution than destroying one. He was enjoining the artificial peace of the Roman empire as a moral law to its individual citizens and subjects. He showed how peace might be built up on a foundation of good will among men. As Grotius himself admits, following Arnobius and Lactantius, "it is certain that if all were Christians, and lived as Christians, there would be no wars."

*Arbiter.* Surely that is good sense as well as good morals? The Quakers of Pennsylvania, in the early days of the colony's history, when they controlled its government, made the experiment of treating the Indians in a Christian fashion, and never made use of arms. The colony was singularly prosperous, and the natives never seem to have molested it as long as the colonists retained the principles of their founders. Seventy years later, when another faction wrested the control of Pennsylvania from the Quakers, an atrocious warfare with the Indians began.<sup>1</sup> Another equally significant fact is that the Irish Quakers were never molested by the wild Irish Catholics in 'ninety-eight,

<sup>1</sup> See Clarkson's *Life of Penn.*

when so many atrocities were committed against the other Protestant settlers.

*Admiral.* To go about unarmed among savages requires enormous moral courage; but it has been proved over and over again to be better than dagger-proof coat, sword, or pocket-revolver.

*Truelove.* I suppose if one were asked for an epitome of Christ's teaching one would read aloud the Sermon on the Mount; its keyword is for the nations, *peace*; for the individual, *love*. In the epistles the same thoughts are conveyed, often in subtle language and artful metaphor; as when Paul exhorts the Ephesians to put on the whole armour of God that they may be able to withstand the rulers of darkness in this world and spiritual wickedness in high places. He speaks of the armour of God in order to accentuate the impossibility of true Christians taking part in the battles which Christ has proscribed. "Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness, and *your feet shod with the preparation of the gospel of peace*,"—the gospel for which St. Paul, in his own apt and magnificent words, was an ambassador in bonds.

*Clarke.* An ambassador of peace, not a missionary of empire, not one of the hypocrites who chalk the white cross on a black flag.

*Truelove (continuing).* Attempts have been made to find countenance for the system of war in the 13th chapter of St. Paul's Epistle to the Romans, or rather in the first seven verses of that chapter, which counsel subjection to the powers that be. This, it is suggested, might include military service; for does not the Apostle say: "Render therefore to all their dues:

tribute to whom tribute is due, custom to whom custom; fear to whom fear; honour to whom honour." It would be a strange thing indeed if these precepts stood alone. They were directed of course against the turbulence and unlawful conduct to which small communities of men, inspired by a religious enthusiasm, often bordering on fanaticism, might easily be led. The early Christians were always in danger of confusing licence with liberty, or imagining that to break the laws of the pagans would be an acceptable service to their own God. If St. Paul had meant more than a warning against lawless conduct how could any Christian martyrdom have been justifiable? If there were no limits set upon Christian obedience to authority, Christianity itself being forbidden should have been renounced. Paul meant of course obedience to authority so far as it was compatible with the religion and service of Christ. And lest there should be any doubt about his meaning he recapitulated the Christian law in the verses immediately following (Romans xiii. 8-10):

"Owe no man any thing, but to love another; for he that loveth another hath fulfilled the law.

"For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.

"Love worketh no ill to his neighbour: therefore love is the fulfilling of the law."

And that the context may be complete let me read the last verses of the preceding chapter, remembering that the division into chapters and verses is a modern device:



"If it be possible, as much as lieth in you, live peaceably with all men.

"Dearly beloved, avenge not yourselves, but rather give place unto wrath; for it is written, Vengeance is mine; I will repay, saith the Lord.

"Therefore if thine enemy hunger, feed him; if he thirst, give him drink; for in so doing thou shalt heap coals of fire on his head.

"Be not overcome of evil, but overcome evil with good."<sup>1</sup>

*Arbiter.* Is it not rather curious that Christian revolutionaries, who make an exception in favour of the holy right of insurrection against tyranny, should have to rely upon those first seven verses? You remember there were "the fighting Quakers" in the war of Independence, who tried to justify themselves from the Epistle to the Romans. Yet that war, arising immediately out of the customs duties on tea, rather suggested the verse, "Tribute to whom tribute is due, customs to whom customs!"

*Truelove.* Yes; on the whole St. Paul's epistles are not very favourable to those who seek to establish the righteousness even of what is called a just war. Erasmus very truly said that Christians who defend war must defend the dispositions that lead to war, "and those dispositions are absolutely forbidden by the Gospel." They are no less strictly forbidden by the epistles. In the short time at my disposal I must not multiply examples. But there is a crowning admonition in the Epistle of St. James which may appropriately conclude this part of my sermon:

"From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members?

"Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not, because ye ask not."<sup>2</sup>

<sup>1</sup> Romans xii. 18-21.

<sup>2</sup> Epistle of St. James iv. 1, 2.

From the records of Christ's teaching I turn to the Fathers of the Early Church, who were doubtless inspired by an oral as well as by the written tradition. There seems to be satisfactory evidence that for the first two and a half centuries after Christ it was considered absolutely unlawful for Christians either to fight in individual quarrels or to serve in the army. "We fight not with our enemies," wrote Justin Martyr in his first apology for the Christian faith addressed to the Emperor Antonine about 140 A.D. Justin ascribed war to the devil and held that Isaiah's prophecy was being fulfilled in the renunciation of war by the Christian Church. A little later Irenaeus, Bishop of Lyons, another martyr of the second century, and a pupil, be it remembered, of Polycarp, who was one of St. John's disciples, adopts the same literal interpretation and boasts that Christians had already forgotten how to fight.<sup>1</sup> About the same time Tatian declared that war is unlawful and that Christianity cannot be reconciled with soldiering. Tertullian, the first of the Latin Fathers whose writings have come down to us, was the son of a centurion. Many of his metaphors were drawn from camp life. Jesus was his Imperator. The Christians were "milites Christi." This great and learned father, whom Cyprian called his master, was celebrated for his skill in the Roman law and also for his minute knowledge of the different varieties of Christian belief. He is also famous for his obscurity. But upon the relations of the profession of Christian to the profession of soldier no one has ever written more boldly or

<sup>1</sup> In the Latin translation, "jam nesciunt pugnare."—*Adv. Haer.*, iv. 34.

plainly. Upon this point at least he felt no doubts or scruples. In the famous chapter xix. of his work on *Idolatry* he writes :

“There is no agreement between the human and divine sacrament, the standard of Christ and the standard of the devil, the camp of light and the camp of darkness. One soul cannot be bound to two [masters] God and Caesar. It is true Moses carried a baton<sup>1</sup> and Aaron wore a buckle,<sup>2</sup> and John the Baptist is girt with leather, and Joshua the son of Nun leads a line of march ; and the Chosen People warred : I grant you all this, if it pleases you to sport with the subject. But how shall a Christian be a fighter, nay, how shall he even serve as a soldier in time of peace without a sword ? But of a sword our Lord has deprived him. For although soldiers had come to John and had received a form of ordinance ; though likewise a centurion had believed ; yet afterwards our Lord in disarming Peter disarmed every soldier.<sup>3</sup>

And in another of his writings he asks : “Shall it be lawful for Christians to wield the sword, when our Master declares that he who shall use the sword shall perish by the sword ? And shall the child of peace whom it ill befits to go to law engage in battle ?”<sup>4</sup> Military service seemed to Tertullian “a carrying of the name over from the camp of light to the camp of darkness.” He admits that the case of those who were already soldiers before they became Christians is different from that of the Christian who is considering whether he should adopt the military profession. “Yet, at the same time, when a soldier has become a believer, and faith has been sealed, there must be either immediate abandonment of the profession of soldier, which course has been taken by

<sup>1</sup> *Virga*, the centurion's staff.

<sup>2</sup> Like a Roman soldier.

<sup>3</sup> “*Omnem postea militem Dominus in Petro exarmando discinxit.*”  
*De Idol.*, cap. xix.

<sup>4</sup> *De Cor.*, cap. xi.

many,<sup>1</sup> or there must be quibbling of all kinds to avoid offences against God ; and that is not allowed even outside of military service ; or, last of all, for God the fate must be endured which a civilian faith has been no less ready to accept.”

Clement of Alexandria, Origen's teacher, who wrote *The Pedagogue*, a regular course of instruction for Christian converts, was concerned like Tertullian for the professional soldier, and even allowed that it might be lawful for a Christian to serve, if, when he was converted to Christianity, he was in the army. But such converts, if they remained in the army, were only to obey the *just* demands of their officers. Yet the number of Christians in the Roman army cannot have been large at that time ; for early in the third century Celsus, one of the subtlest of Pagan controversialists, attacked Christianity as a danger to the State. Since Christians, he said, refused to fight, it followed that if all Roman citizens became Christians, the Empire would be overwhelmed by the barbarians. Origen in his reply (A.D. 230) admitted the charge. It did not occur to him that Christianity, when it came into power, would drop its principles. He distinguished between the law of Moses and the law of Christ. Christians were not allowed, as the Israelites had sometimes been commanded, to kill their enemies or to condemn offenders against their laws to be burnt or stoned to death. They were fulfilling the prophecies of Isaiah. “For we draw not the sword against any people, and we learn not the art of War after that through Jesus we are become the children of Peace.”

*Seymour.* It is curious that just at this time, in the

<sup>1</sup> *Ut a multis actum.* See *De Cor. Mil.*, cap. ii.

first quarter of the third century, the first Christian work on military tactics was produced by Julius Africanus, in a mathematical treatise called *κεστοί*.<sup>1</sup>

*Truelove*. Yes, it is a coincidence; but the inclusion of a section on military tactics in a mathematical encyclopædia does not of course imply approval of war. You are quite right as to the date; for Africanus was a contemporary of Origen, and wrote him a letter about the history of Susannah. In his reply to Celsus, I should add, Origen did not merely admit and glory in the charge that Christians would not fight for Rome. He claimed that the Christians were among the best friends and supporters of the Empire. "There are none," he wrote, "who fight better for the Emperor than we do. True, we do not march with him into the field, even when he commands us to do so.<sup>2</sup> But we fight for him in that we form a special army of our own, an army of piety, by prayers and supplications to God." It is not surprising that Harnack, the greatest living authority on the doctrine and practice of the early Church, should dwell upon this passage, in which Origen goes even beyond Tertullian, plainly defying the Roman Emperor: "You may conscribe us but we will not fight," precisely the same advice which Tolstoi with almost equal courage has been offering to the Russian peasants. And Origen is perhaps the greatest of all the early Fathers. Learned and industrious, but speculative and rather adverse to dogma, he surprises us by the austerity of his tone

<sup>1</sup> Printed among the *Mathematici Veteres*, and translated into French by Guiscard in his *Mémoires Militaires des Grecs et des Romains*.

<sup>2</sup> οὐ συνστρατεύομεθα μὲν αὐτῷ καθ' ἐπείγῃ.



upon this question. It is quite true that in later times it was regarded as a heresy even to suppose that Origen had been saved; and John Picus, Earl of Mirandula, was censured for having published the opinion that it is more reasonable to suppose Origen saved than damned. But his peace doctrine was not a count in the long indictment; and I may prefer the favourable opinion of Eusebius and the praises of Erasmus, who affirmed "he would rather have one Origen than ten Orthodox." From the letters of Cyprian, the great Bishop of Carthage, it is plain that the new faith had from time to time appeared in the ranks of the African army in the first half of the third century. But Cyprian would make no terms with the military profession. In his sixth epistle he deplores the spread of war and "the bloody horror of camps," and shudders at the thought that "murder, which in the case of an individual is admittedly a crime, is called a virtue when committed wholesale."

Another eminent Father and moralist, Lactantius, "the Christian Cicero," in the sixth book of his *Divine Institutes* (about the year 320 A.D.) followed what we may now term the unbroken tradition of the first three centuries: "The righteous man may not be a soldier, for righteousness itself is his soldier-ship."<sup>1</sup> And Epiphanius, "the Pentaglot," who lived into the fifth century, speaks of a set of heretics called "soldier Christians,"<sup>2</sup> like "the fighting Quakers," who made their appearance at the time of the American

<sup>1</sup> Ita neque militare justo licebit cujus militia est ipsa justitia  
*De Vero Cultu*, vi. 20.

<sup>2</sup> στρατιωτικοί.

Revolution. The nickname is significant. It gives us reason to think that the practice of the early Christians did not lag far behind the doctrines of the early Fathers of the Church. At the end of the third century there were undoubtedly Christians in the army; for, according to Eusebius, one or two Christians were put to death by Maximian and Galerius. Maximilianus, an African youth who had been brought before the magistrates by his father to be recruited, was sentenced to death for obstinately asseverating that his conscience and religion forbade him to embrace the military profession: "I cannot be a soldier, I cannot do evil deeds, I am a Christian."<sup>1</sup> Again, if I am not tiring you with examples, Tarachus, another martyr, said, on being examined: "When I was a soldier I was called Victor: because I was a Christian I renounced the service." Another instance, vouched as authentic by the sceptic Gibbon, is that of Marcellus the centurion, an officer of Trajan's legion, who, at a public festival, threw away his arms and uniform, exclaiming with a loud voice that he would be the soldier of none but Jesus Christ the Eternal King,<sup>2</sup> and that he renounced for ever the use of carnal weapons and the service of an idolatrous Emperor. Marcellus was condemned and beheaded as a deserter. About the same time Galerius dismissed a number of Christian officers from their employment; but Gibbon discredits the legend, first published by Eucherius, Bishop of Lyons, in the middle of the

<sup>1</sup> "Non possum militare, non possum malefacere, Christianus sum."

<sup>2</sup> "Jesu Christo regi eterno milito." Marcellus, like the veteran Julius, seems to have sought martyrdom rather because pagan worship was associated with military discipline than because war was forbidden to Christians.

sixth century, that the Thebaean legion, consisting of 6000 Christians, suffered martyrdom by order of Maximian in a valley of the Pennine Alps. A famous but fabulous example of Christian militarism is the mythical story of the Thundering Legion. When the Roman Emperor Marcus was with his army in Germany they suffered from a terrible drought. But the Christian soldiers in this Legion fell on their faces, and by their prayers obtained a thunder shower, which refreshed the thirst of the Roman army but only distracted and terrified the enemy with a violent whirlwind and flashes of light. This miracle is attested by an epistle of the Emperor preserved by Justin Martyr, who lived about that time, but the story has long been regarded as the invention of a credulous age. One of the first to expose it was our own Walter Moyle, in his learned letters *Concerning the Thundering Legion*. He cited Athenagoras, Minucius Felix, and many other Christian authorities, "who directly or in consequence deny the lawfulness of war, and not only represent it as their own private opinion but as agreeable to the universal belief and practice of that age." I may add to this a story told by Sulpicius Severus, the Christian Sallust, of Martin, one of the pagan Emperor Julian's soldiers, who, being converted to Christianity, refused his share of a bounty which was being distributed in the army before a battle. "Hitherto," said Martin to Caesar, "I have fought for thee; let me now fight for my God. Those who are going to do battle may accept thy bounty. I am the soldier of Christ; for me the combat is unlawful."<sup>1</sup>

<sup>1</sup>See Sulpicius' *Life of St. Martin*. Sulpicius was a disciple of St. Martin of Tours, and a friend of Paulinus, Bishop of Nola.

May we not hope then that the Church, as she inclines more and more to study and imitate her earlier and better self, will more and more remember that, as Christ at His coming into the world brought peace with Him,

“Nor war, or battle’s sound  
Was heard the world around,”

so at His departure He left peace as an everlasting legacy. God the Father has chosen to call Himself the King and Father of Peace, His Kingdom the Kingdom of Peace, His servants the Sons of Peace. Therefore, His Church from the most ancient times, that by this it might be known whom she served, everywhere in the public form of divine service interlaced this comfortable salutation: *Peace be with you all*. When the bishop came into the church, wrote Saint Chrysostom, he came like Noah’s dove into the ark, with an olive branch of peace in his mouth, and his first words were: *Peace be with you all*. With the same words he began his sermon and with the same words his blessing. And when the sacrifice of Christ was represented at the altar the bishop would celebrate the memory of it with the same benediction, crying ever and anon, *Grace be with you and peace*. It is true, alas, that the later history of the Church is a sad calendar of controversies and schisms, which grew to such bitterness that Christians began to inflict on one another such persecutions as they never felt under the hand of paganism, persecutions that rent asunder great provinces and mighty kingdoms, and caused the most ferocious wars, massacres and tortures. But while we lament a declension from the purity of our early faith and practice we may also rejoice in the



modern growth of toleration. Not that in so doing the true Christian may plume himself on an outward conformity and plausible correspondence with the Church's constitution, as though by such means he could procure for himself the peace left to the Church. In her first heroic and exemplary days the Church was the peaceful, the persecuted. But as her wealth and authority multiplied her virtues were impaired. She won secular honour, she allied herself to the State, she became persecutor. She is no longer persecutor, no longer an active disturber of the world's peace. Let her beware of indifference: if she is to be a visible Church let her once more actively promote the public good by proclaiming in no faltering accents her Master's Gospel of Peace on Earth.

*At the conclusion of Truelove's paper we all looked at one another, each one hoping that someone else would speak first. At last the Admiral, after refreshing his memory by a glance at a sheet of notepaper, cried out:*

"Bravo, Martin, a splendid paper, I congratulate you. If all parsons had been like you this would have been a different world. But what a mess they have made of it. You have shown clearly enough that when religion came to be organised it was lost. What could Christianity do, with Rome and Constantinople, and Canterbury and Geneva, on its shoulders? The priests and presbyters have been too strong for the gospel. No wonder that

'Religion blushing veils her sacred fires  
And, unawares, morality expires.'

For my part I'm almost of Byron's opinion, 'Man is the same rancorous animal now that he was from



the beginning ; and if the Christ they profess to worship reappeared, they would again crucify Him.' ”

*Arbiter.* No, Tracy, it's not as bad as that. We are improving, though slowly, and we shall get you to admit it before the end of the day. At the same time I agree with you that the organisation of rich and powerful churches has often choked Christian morality. Where religion becomes a profession, more or less under the patronage of the State, experience shows that the pure teaching of its founder is adulterated. An established clergy seems incapable of denouncing abuses in the State, or of protesting against the policy of its secular rulers, howsoever that policy may violate the laws of Christ. How little life there is in the Temperance and Peace Societies of either the Roman or Anglican Church. Yet drunkenness and jingoism are the twin scourges of Christendom. “Peace on earth and goodwill among men” are the good tidings that we celebrate every Christmas.

*Clarke.* A fervent and eloquent Roman Christian of the last century actually dared to say “Rien ne s'accorde dans ce monde, comme l'esprit religieuse et l'esprit militaire.”<sup>1</sup> What have the Catholic Churches done to spread the gospel of peace since the fourth century?

*Browne.* Little or nothing, I'm afraid, since the twelfth Canon of the Council of Nice (A.D. 325); and that was probably inspired primarily by the prevalence of pagan worship in the army.

*Truelove.* I had forgotten the canon.

*Browne.* The operative sentences are as follows :

<sup>1</sup> De Maistre, *Soirées*, ii. 16.

“Whosoever being called by grace have first shown their zeal and faith and have abandoned the military profession, but afterwards have returned to it like dogs to their vomit, let them be hearers for three, and penitents for ten, years.” But in the Synod of Arles (353 A.D.), the Church ranged herself with the first Christian Emperor, Constantine, enacting in the third canon: “Those who cast away their arms in peace [*i.e.* at a time when Christians are not persecuted] shall abstain from Communion.”

*Clarke.* So that when the Emperor paid lip service to the Church, the Church offered life service to the Emperor. The Church forgot her Lord and sacrificed His command to please a new master. From this time, Christianity having become official and imperial, the accents of the Fathers faltered. Occasionally a voice was heard crying in the wilderness, that at least Christians must not shed *innocent* blood. Grotius, for example, quotes an early address of Christian soldiers to the Emperor. “We offer you our hands against any enemy, though we hold it impious to stain them with the blood of the innocent. Our right hands know the way to fight against the impious and the adversary, but they have not the art of butchering the good man and the fellow-citizen. We recollect that we have taken arms for our citizens rather than against them. We have always fought for justice, piety, the protection of the innocent; those have hitherto been the rewards of our labours. We have fought for our faith; and how shall we preserve our faith towards thee [meaning the Emperor] if we do not show our faith towards God?”

*Browne.* I think almost the last faint protest of the

Catholic Church was at a Synod in England in the eleventh century, which declared that those who fight only for wages and booty ought to do penance for murder.

*Truelove.* Following Saint Augustine's dictum : "Militare non est delictum, sed propter praedam militare peccatum est."<sup>1</sup>

*Case.* Talking of the Church militant, do you remember that story of Richard Coeur de Lion? The Pope hearing that he had taken prisoner the fighting Bishop of Beauvais wrote to the king desiring that he should no longer keep his dear son in custody. Richard answered by sending his Holiness the blood-stained coat of mail in which the bishop was taken, with the words of Jacob's sons to their father: "See whether or no this be the coat of thy son."

*Meyer.* I had no idea till to-day that war had ever caused conscientious difficulties to Christians. When I was a little boy at Frankfurt they sometimes took me to the synagogue, and I distinctly remember an address on the Lord of Hosts in 1866. It was a wonderful year for our house. My father was busy with the Prussian and Austrian war loans. He had good friends on both sides; at that time the Prussians guarded one end of the bridge and the Austrians the other. That war made the Prussians masters of Germany; but Frankfurt is still its financial centre. There was some complaint, I believe, that one House should have financed both loans. The Rosenheimers, who thought they were sure of the Austrian loan (they had once helped one of Francis Joseph's Polish

<sup>1</sup> Military service is not an offence in itself, but it is a sin to serve for plunder.

favourites over an awkward stile), said it was dishonourable and unpatriotic.

“And unchristian too,” said the Arbiter slily; “but then, of course, your firm was under the old dispensation.”

*Meyer.* But many Christians subscribed to both the loans. My father only took his little profit. And when I came to England and began to mix in Christian circles in the city and the suburbs I really found no difference, except that there was more patriotic talk. But patriotism never interfered with business. I remember our vicar presided at a local demonstration at Bampton Slick when we gave my three most incompetent clerks their send off as Imperial Yeomen; and at Bumbledon the bishop presented the mule harnesses, and gave the men their watchwords: “For my Queen and my God” and “My country right or wrong.”

*Case (drily).* “I wonder if one of your clerks was the Imperial Yeoman on the Home Circuit who, a month after his return, pleaded guilty to pilfering the sacred vessels from the church at Ditchmole, and said he had done it in a fit of absence. He had thought he was in the Orange Free State, and only came to himself when he was arrested.”

*Meyer.* Surely it was not F——r. I heard that the young fellow had got into some scrape. But no, no; he would not have had the courage to do anything like that. I think it was some trouble with a cheque, and that was why we could not take him back. But surely, Mr. Truelove, if Christianity really were, as you say it is, a religion of peace, the Church would not provide chaplains for the army.

*Truelove (in some confusion).* I suppose—I suppose that they are there to persuade the army to carry on war in as Christian-like a way as possible.

*Arbiter.* But I thought we were agreed that there is nothing in the Gospel that can have the least tendency to promote or justify war—nay, that it is expressly forbidden.

*Meyer.* Surely, then, the Gospel must do harm among fighting men. Perhaps Captain Seymour can tell us what occasion there is for divines in an army. Do they not dispirit the soldiers?

*Seymour.* The average chaplain is simply a nuisance. He does not do anything at all. But his proper function is not to depress, but to inspirit the soldiers. You must remember that the common soldiers are very ignorant, and that ignorance is always superstitious. It is one of the oldest principles of strategy that a general should have suitable priests to animate the men, especially on the eve of battle.

*Admiral.* I remember Charley Napier telling me that the best chaplain he ever had always found a suitable text from the Old Testament. When a town had to be taken by storm he would rouse the men to a high pitch of enthusiasm by the prospect of pillage; and he had a wonderful *repertoire* of the plunder secured on various occasions by the children of Israel.

*Clarke.* I think Mandeville, a virtuous heathen in his way, has expounded the functions of a chaplain better than any other writer. The chaplains, he says, often preach morality to the soldiers, “and even the Gospel at seasonable times,” when they are in winter quarters, or in an idle summer when there is no



enemy near. "But when they are to enter upon an action, to besiege a town, or ravage a rich country, it would be very impertinent to talk to them of Christian virtues, doing as they would be done by, loving their enemies, and extending their charity to all mankind."

*Meyer (indignantly).* Indeed, such conduct would be grossly unpatriotic, especially for British clergymen.

*Arbiter.* In a just and necessary war.

*Meyer.* Yes, I meant that of course; though even a righteous war does sometimes turn out to have been a mistake. But what do they do then, Mr. Clarke?

*Clarke (reading):*

"When the foe is at hand, and perhaps a main battle is expected, then the mask is flung off. Not a word of the Gospel, nor of meekness and humility. All thoughts of Christianity are laid aside entirely. The men are praised and buoyed up in the high value they have of themselves; their officers call them gentlemen and fellow-soldiers; generals pull off their hats to them; the clergy take care at such times not to mention to them their sins, or anything that is melancholy or disheartening. On the contrary, they speak cheerfully to them, and assure them of God's favour. They take pains to justify and increase the animosities which those under their care have against their enemies, whom to blacken and render odious they leave no art untried, no stone unturned. And no calumny can be more malicious, no story more incredible, nor falsity more notorious, than have been made use of knowingly for that purpose by Christian divines, both Protestants and Papists."

*Truelove.* Alas, human nature being what it is there will always be some who chant the services of the Church without obeying her rules.

## II.

*Admiral.* I wonder if Christian clergymen are ever hampered by the want of a Gospel text when they preach on the duty of going to war at every favourable opportunity.

*Case.* Not they. Coming up in the train on Saturday I happened to look at a copy of the *Daily Menace*, which someone had left in the carriage, and came upon a picture of some half-naked English sailors firing at a Russian vessel, and above this: "The Anglo-Russian Crisis:<sup>1</sup> a Saturday Sermon by Archdeacon ——." The most suitable text he could find in the New Testament to quote for his purpose was from the chapter in Romans which you have already analysed—Romans xiii. 4—"If thou do that which is evil, be afraid: for he beareth not the sword in vain, for he is the minister of God, and revenger to execute wrath upon him that doeth evil."

The Archdeacon began by saying, "The impulse of every genuine Christian is necessarily towards the patient bearing of injury and wrong." He then quoted a number of passages to prove that this is Christ's teaching, and that "such teaching is not isolated, but continuous and characteristic." So far so good; but not much use, you will say, to the *Daily Menace*, which was using every nerve to lash the people into war. Ah, but listen how cunningly the pious prelate insinuates war. How does he do it? By distinguish-

<sup>1</sup>The placards of the *Daily Menace* had been misleading throughout the Anglo-Russian crisis, and when the final disappointment came, and the incident was referred to an international commission, the *Daily Menace* announced "Russian Surrender!"

ing between the individual and the State. There is no text to support the distinction. Christ never seems to have thought of it; but His Archdeacon thinks that what is wrong conduct in an individual would be right in a collection of individuals, and *vice versa*; what would be wrong for each of the individuals who compose the public is very right and commendable in the trustees and representatives of the public. It reminds one of the law of conspiracy, which allowed one man to lock out one hundred, but made it illegal for the hundred to strike. Only the archidiaconal gospel is just the other way about.

Licence to do wrong, which is refused to the man, is not merely offered but pressed upon the multitude. See how artfully, yet with how little Christian evidence, the pious man feels his way: you will forgive me if I shorten a little his periphrastic sentences. There is no doubt, he proceeds, that in personal relations such conciliatory and unaggressive conduct is infinitely more 'effective' [Christ, you see, was not preaching morality but efficiency—the sermon was not delivered on the mount, but on some crooked tower or other] than the vindictive and retaliatory temper. It wins the victory in the end, it ensures respect, it prevents feuds. It is good for our own characters, as well as for the peace and progress of society.

"But the case is different when we consider the duty of Governments. A Government exists for legislation and administration: that is, for devising means for maintaining right against wrong, for establishing justice, for the protection of the weak, and for seeing that its measures and regulations are obeyed.

"This must necessarily imply readiness to repel the attacks of proud, aggressive, and jealous foreign Powers, who are sometimes, it would be idle to deny, animated by the desire to infringe on

national rights and to diminish national credit. A Government would have to confine the enterprise of its subjects to extremely narrow limits if it would not undertake to ensure their safety on the high seas, or when travelling or plying trade in other lands, so long as their pursuits were lawful.

“In the case of the British people, a nation given to fishing, to trading in all parts of the world, and to vast Colonial undertakings it is absolutely essential that the King’s Ministers should be prepared and willing to make the national power felt in every corner of the earth where British subjects are lawfully employed, and are being oppressed, or treated with injustice. That is why the King’s Government exists, and why it controls so vast a navy, and is ready on emergencies to increase its army.”

Next the Archdeacon had to do his best to bolster up the particular war in anticipation of which he wrote his Saturday sermon :

“If the safety of these vast numbers of scattered subjects requires it, or if national credit would be impaired by an act of idle condonation, war may arise out of what seems a comparatively small matter. The important consideration is that if so great a calamity as war were to be the issue of such an event, it would prevent its recurrence for a very long time to come.”

The Venerable Archdeacon, you see, never contemplated the possibility of arbitrating instead of going to war on “a comparatively small matter.” Which course do you suppose Christ would have advised, Cousin Martin ?

*Truelove.* Arbitration.

*Case.* But the Archdeacon argued differently :

“It would be very easy to say in a war with Russia the expenses of a single day would be greater than the value of the whole of the fishing fleets on the Dogger Bank. That is not the point. The immunity from attack of which those peaceful English fishermen ought to be assured is the secret of the immunity of every other British boat afloat, from the smallest yawl to the mightiest liner, and of every other British citizen doing the business of his country to the very ends of the earth.”

This means that the only way to purchase immunity is to have superiority over everybody, so that the English vessel will be the only kind free from attack; a curious religious dispensation.

“War is odious, horrible, dreadful; no words are strong enough to describe its awful miseries: but there may be times when even the most peaceable citizens must agree that a national attitude is absolutely compelled from which, if the offending party persists, even war may result.”

“Have you ever heard the doctrine that Christian morality cannot be applied to politics more clearly stated?” added Case turning to Truelove.

*Truelove.* No; but surely he makes some qualification.

*Case.* Well here is a sentence in which he tried to pull himself up: “Of course it is still right and possible that the spirit of the Gospel may be maintained in the courteous and restrained language in which the situation is set forth by diplomacy, in the careful and unaggressive comments of the press, and in personal tone and conversation.”

*Clarke.* That archdeacon always has plenty of tone.

*Case.* If you look a few lines down you will see that his blood was boiling to be “at ’em.” The most that he means is that your declaration of war should be polite.

*Arbiter.* I’m afraid that must be so, for he never protested against the *tone* of Mr. Chamberlain’s diplomacy.

*Admiral.* What preposterous humbug it all is. Men need not pretend to preach the Gospel. Far better to live in a tub on bread and cheese than to be an impostor in a palace. But I never saw that sermon.



What annoyed me in the paper was an article by F——.

*Seymour (starting).* What, the Admiral !

*Admiral (wrathfully).* Yes, if you please, "The Naval situation by Admiral the Hon. Sir Dash Dash F——." It's enough to make Nelson turn in his grave. You have a crisis. The Admiralty is ordered to prepare for war. Fleets concentrate. And an Admiral is engaged in provocative journalism. This was not the first offence. On the very night the outrage was heard of he allowed himself to be interviewed by another paper, and declared that the country would insist on war. The article I am speaking of was written after Mr. Balfour's announcement that the International Commission of Inquiry had been agreed upon. Disappointment is obvious in the Admiral's every line. He begins : "To say that the incident is closed and over would be to say too much," and concludes with the following peremptory advice to the Government :

"Meanwhile the Channel Squadron still remains at Gibraltar though six cruisers have sailed westward. To sum up the situation : Unless the Admiral is detained, and the inquiry is fairly conducted with the object of condign punishment being awarded to the guilty parties, I doubt whether the country will be satisfied or ought to be satisfied. To ensure this it would be better to give notice to the Russians that none of their Baltic Fleet will be allowed to proceed further on their voyage till this is made clear. We must trust to our right arm, in Blake's words, 'to prevent the enemy from fooling us.'"

*Ego.* I suppose the Government is too weak to prevent its servants breaking the rules of the service. But it is intolerable that soldiers and sailors should be allowed to speechify and scribble about national policy.

If admirals and generals are to make speeches in favour of war and expenditure, let Treasury officials make speeches in favour of peace and retrenchment. If military and naval officers want to be politicians, let them throw up their commissions and pensions, and stand for Parliament.

*Clarke.* To return to religious morality. Christian nations may be hypocritical; but their standards and practices are at any rate relatively high.

*Seymour.* The Japanese are showing that discipline and restraint in war do not depend upon religious inspiration.

*Admiral.* But they have the *Bushido*.

*Seymour.* What is that?

*Admiral.* A code of honour which makes them prefer death to disobedience.

*Truelove.* That is all very well, but what if their commanders order atrocity?

*Seymour.* As they did when they first took Port Arthur.

*Admiral.* I had not thought of that.

*Browne.* The laws of the Samurai in Japan resemble the chivalry of the Middle Ages, which gave us the tournament and the duel.

*Truelove.* But chivalry was not Christian. It came with the Goths, and was engrafted on Christian manners. You ought to thank the Church for putting an end to the tournament and discrediting the duel.

*Browne.* Nay, I think it has been shown that the duel and trial by battle sprang up and flourished in the most ignorant and lawless ages of Christianity, and that they declined as Roman law and order were gradually re-established.

*Case.* Nevertheless it is true that the Courts of the Church and the Canon law helped to substitute trial by law for trial by battle and ordeal.

*Browne.* I agree. But Martin put his case rather too high.

. . . . .  
*Arbiter.* It has been suggested to me that before we close this discussion we ought to consider a wider question that has several times emerged. We have been trying to ascertain whether a war can be Christian. But there is a wider question that appeals to every moralist and political philosopher. Can a war be just?

*Clarke.* I suppose that depends on what you mean by "just." In Grotius' sense a *justum bellum* is a war regularly declared and waged between two sovereign States. In this sense most wars are just, *i.e.* regular and legal. Irregular warfare, waged by guerillas or *franc-tireurs*, is not a *justum bellum*. Where our prayer book allows Christians to serve in *justa bella*, advantage was probably taken of the double meaning, regular (legal) and righteous.

*Arbiter.* Then shall I amend my question? Can a war be righteous?

*Case.* Perhaps we had better stick to the word "just," remembering that it has the narrower sense; for in truth there seems to be little or no fixity in men's ideas of justice. It is strange how small an influence Christianity exercised upon the fundamental notions of civilised mankind. I read the other day in a modern commentary on Aristotle the following remarks :

"Suppose an earnest man in Athens in the middle of the fourth century B.C. to have had doubts whether he was justified in keeping

slaves. He has been disturbed by the arguments of the jurists referred to by Aristotle, who maintained that slavery was a violation of natural law, and that the convention which sanctioned it was wrong. We may suppose him to have known that Plato had justified the institution, but he decides on taking a second opinion and consults Aristotle. Aristotle assures him that there is no harm whatever in keeping slaves, unless they are Hellenes, and that to do so is equally for the benefit of the slave and himself. The institution of slavery, sanctioned by Plato, approved by Aristotle, and defended by him against opposing critics, was acquiesced in by St. Paul, and tolerated both in theory and practice by the Christian Church for many centuries after St. Paul's death ; it was practised by the most civilised nations of Western Europe until the beginning of the last century, in spite of a dissenting minority, who impeached the custom on the very ground on which it was questioned in Aristotle's day. But in this matter, the arguments for and against which are within the reach of every one, public opinion has now so changed that the first man you meet in the street will tell you that to keep a slave is one of the most immoral things you can do."

*Arbiter.* I should not like to be dogmatic upon this point, especially in the presence of two theologians and a historian, but my belief is that the influence of the primitive Christian communities in the first two or three centuries of the Christian era was decidedly pacific, and also contributed much to the mitigation and ultimately to the abolition of slavery in the Roman Empire. But as the Church became a highly organised institution it became less and less disposed to identify itself with the moral side of vexed issues. After the baptism of Constantine the Church began to ally itself with secular Powers, the compact being one of mutual support.

*Clarke.* The Church would lend its aid to despotism if despotism would help the Church to stamp out heresy.

*Browne.* Yes : and that theory alone is adequate to explain the fearful reign of barbarism and cruelty that followed in the ten centuries after the fall of the Roman Empire. Then, hard upon the revival of art, philosophy, and letters, came the two centuries of religious wars resulting from the attempt of the Roman Church to crush out the Reformation. In the seventeenth, eighteenth, and nineteenth centuries you find considerable progress. The standard of civilised life rises. The customs of war and peace improve. Respect for human life and sympathy for human suffering begin to increase. The spirit of toleration spreads.

*Truelove.* And Christianity aids in the development.

*Clarke.* But not much praise is due to the highly organised churches. Take, for instance, the Church of England. What did it do for humanity in the eighteenth century ? If it became less intolerant to dissenters and Roman Catholics it was only because its clergy became more indifferent.

*Arbiter.* That, I'm afraid, is only too true. William, you can tell us of its attitude to wars and slavery, and to the punishment of crime. We were talking about it only the other day ; but my memory for facts is failing sadly.

*Browne.* In the war of American Independence the Anglican clergy were less divided than any other class in support of George III. Out of twenty-six English bishops, Shipley of St. Asaph's was the only supporter of conciliation. Yet there never was a war which counted among its opponents so large and powerful a section of the aristocracy. Again, from the commencement to the end of the French War the drum ecclesiastic was sounded in almost every parish.



*Admiral.* Ah yes, I remember well my father and uncle saying how useful the parsons were in helping to "pinch" likely fellows for the service.

*Browne.* Watson was the only English bishop who protested against "the French Crusade," and even he seems to have wearied later on, when he found that his opposition to the Court had sentenced him to remain at Llandaff. As regards slavery the bishops, I'm afraid, were pretty steady supporters of the institution. I was reading the other day a debate in which Lord Eldon argued, perhaps ironically, "that the commerce in human bodies could not be inconsistent with Christianity as some had supposed, otherwise it could never have been so steadily supported by the Right Reverend Prelates."

*Ego.* It appeared in Parliamentary returns that the bishops used to invest largely in the African Slave Trade.

*Arbiter.* Then about the Criminal Code?

*Browne.* Have you Romilly's diary?

*Arbiter.* It is on the shelf behind you—there!

*Browne* (*turning over the pages*). Yes, here it is. Wednesday, May 30th, 1810.

"The second reading of the Bill to abolish capital punishment for the crime of stealing privately to the amount of five shillings in a shop came on to-day in the House of Lords, on the motion of Lord Holland, who had taken charge of the Bill. It was rejected by a majority of 31 to 11; the ministers having secured a pretty full attendance of peers, considering the advanced season of the year, to throw it out. Amongst these there were no less than seven prelates: the Archbishop of Canterbury, the Bishops of London and Salisbury, Dampier, Bishop of Ely, Luxmore, Bishop of Hereford, Sparke, the new Bishop of Chester, and Porter, an Irish Bishop. I rank these prelates among the members who were solicited to vote against the Bill, because I would rather be convinced of their servility towards

government than that, recollecting the mild doctrines of their religion, they could have come down to the House spontaneously to vote that transportation for life is not a sufficiently severe punishment for the offence of pilfering what is of five shillings' value, and that nothing but the blood of the offender can afford an adequate atonement for such a transgression."

Three years later the Bill again passed the House of Commons (by 72 to 34) and was again thrown out in the Lords, this time by a reduced majority—26 to 15. Again not a single bishop supported Romilly, and five voted against the Bill.

*Truelove.* We admit that the moral tone of the Church has been low at certain times; but that of course does not affect the validity of her sacraments or the purity of the faith she guards.

*Clarke.* No; unless you admit that a tree is known by its fruit.

*Truelove (a little nettled).* You must remember that the greatest of English dissenters, John Wesley, who did so much to revive spiritual life in England, was a Jingo of the Jingoes in 1776.

*Clarke.* Wesley was hardly a dissenter, certainly not a typical one. There is nothing in him of the Independent, or Quaker, or Unitarian. He had no part or lot in the republican spirit. He was a warm emotional loyalist. He only went out of the Church because it was so cold inside.

*Arbiter.* Perhaps their founder's emotionalism may explain why Wesleyans are so often warlike. I remember poor old Price—Jeffreys-Price—who was then a member of the Peace Society, made quite a violent speech at our meeting in October, 1899. When I observed that the questions in dispute should have been referred to arbitration, he said that this

was the most righteous and godly war England had waged since Cromwell's campaign against the Pope in Ireland.

*Browne.* Do you think the old crusading instinct is still alive in the Church?

*Truelove.* Every one who has a fervent faith and a narrow mind is inclined to persecution; be the faith what you will. In times of ignorance persecutions and holy wars occurred from time to time. The crusades are an obvious, and, in my judgment, a most deplorable example of religious warfare. But I have no doubt at all that they were prompted in some instances by quite other than religious motives.

*Browne.* Undoubtedly. Some of them of course were genuine—immense expeditions in search of heaven and plunder. But it is equally evident that others were got up by the Popes to fill their coffers.

*Case.* The learned and careful Selden once said, talking of the crusades, they were a fine juggle between Princes and Pope. On pretence of fighting against the Turk moneys were raised, "but commonly after they had got the money the Turk was pretty quiet, and the Prince and the Pope shared it between them."

*Browne.* In his *History of European Morals*, Lecky, generally a judicious writer, after tracing (very roughly) the transition from the almost Quaker tenets of the primitive Christians to the full blown militarism of the crusaders, thus comments upon the bold predictions of the early Saints that the conversion of the world would lead to the establishment of perpetual peace. "In looking back, with our present experience, we are driven to the melancholy conclusion that, instead of diminishing the number

of wars, ecclesiastical influence has actually, and very seriously, increased it. We may look in vain for any period since Constantine in which the clergy, as a body, exerted themselves to repress the military spirit, or to prevent or abridge a particular war with an energy at all comparable to that which they displayed in stimulating the fanaticism of the crusaders, in producing the atrocious massacre of the Albigenses, in embittering the religious contests that followed the Reformation." Then after considering what may be said on the other side, he winds up with "the broad fact" that, with the exception of Mahommedanism, "no other religion has done so much to produce war as was done by the religious teachers of Christendom during several centuries."

*Clarke.* One often nowadays comes across the idea that Christian nations have a mission to the heathen exploited by rapacious and cruel financiers. King Leopold once had the effrontery to declare on behalf of his rubber-extracting Congo Government: "Our only programme is the moral and material regeneration of the country."

*Truelove.* I have always felt the desirability of separating Christian missions from military expeditions and from commercial enterprises, and I don't think that churchmen are altogether unaware of the danger of mixed considerations. Lord Hugh Cecil, I remember, in addressing the Society for the Propagation of the Gospel a few years ago, mentioned uneasy doubts among conscientious people as to whether the work and motives of missionaries are always free from earthly considerations. He suggested that "by making prominent to our minds the importance of

missionary work we should to some extent sanctify the spirit of Imperialism."

*Arbiter.* You cannot sanctify wrong.

*Truelove.* No; but perhaps you can prevent it, or mitigate its evil result. Imperial expansion, aggression, conquest, are surely better with Christianity than without it?

*Browne.* Lecky speaks of "the gradual fusion of the military spirit with Christianity."

*Truelove.* Yet I think he concedes that, even if Christian spirit did not diminish war, it diminished its atrocity. And Freeman insists strongly upon this in regard to the early history of the Anglo-Saxons. Christianity, he says, stopped the wars of extermination they had waged against the Britons.

*Clarke.* What we need to do is rather to moralise Christianity than to Christianise or sanctify wrong. Christianity will lose more from contact with Imperialism than ever Imperialism can gain by contact with Christianity.

*Admiral.* For my part I would far rather the pirate who made me walk the plank were not a Christian pirate.

*Seymour.* I should take up a position half way between the Church and the Admiralty. If I were a member of an inferior race for whom the Mark IV. ammunition was designed, I should not care whether death was inflicted in the name of Christ or Buddha. Even if I were informed that my extinction had been prayed for by the Archbishop of Canterbury, or that Confucius thought I had better be withdrawn from evil, I should be no more cheerful than if an unhallowed atheist was about to blow me into the skies.



*Truelove.* You cannot judge a church or any other society by its hypocrites. The mere fact that you regard a Christian pirate as a peculiarly objectionable, because hypocritical, rogue, is really a compliment to Christianity.

*Admiral (good humouredly).* There you have me. But what if I were to say that most of your dignitaries occasionally hoist the Jolly Roger?

*Truelove* looked indignant, and his cousin gave a slight turn to the conversation.

*Case.* Seeing that for fifteen or sixteen centuries Christians have utterly disregarded the plain teaching of Christ and his apostles on the subject of war; and further, that even the nominal adherents of the Christian religion are in a minority, so that no code which depended for its validity on Christ's teaching could obtain universal adoption, I think we ought to turn from authority to natural law and reason. You may prove that war is unchristian; but that does not seem to help you to persuade a Christian, much less a Mohammedan, a Buddhist, or an agnostic that it is wrong.

*Arbiter.* I am very glad that you have raised the question in this form. Christianity for Christians; but it is no use quoting our Christian texts (unsupported by Christian conduct) to educated people in China and Japan. If our own priests and presbyters neglect the gospel of peace we can hardly expect our missionary Empire to be welcomed by the Mad Mullah, and by the monks of Thibet.

"If gold rust what shall the iron do?"

What say you, Martin?

*Truelove.* Certainly, the moral and philosophic

objection to war ought to be discussed. The foundations must be dug deep in human nature if the Temple of Peace is to be built up to the heavens. It is an immortal fabric that springs from man to God. But Reginald is not fair to Christianity. It has abolished slavery, and has almost extinguished the duel. It has even mitigated the scourge of war. Bishops over and over again tried to prevent or stay the clash of arms: witness the conduct of Theobald in the anarchy of Stephen's reign and the action of the Bishops before the battle of Lewes. Nor need we shrink from an inquiry into natural law and reason. The Christian Faith has its mysteries; but it recognises also a natural law in the spiritual world; or rather, I would say it recognises natural law as an expression of divine will. I should be a forgetful disciple indeed of my old friend and master, the ever memorable T. H. Green, if I were not prepared to give a philosophic rendering of the gospel of peace. Let me begin by asking whether I may assume that every human being has a natural right to live.

*Case.* A witness who is about to be cross-examined has no natural right to exchange places with the counsel. But I will waive privilege and answer you. Certainly if you use the words "natural" and "right" in their ordinary sense you are justified in making that assumption. It is, I think, a maxim of jurisprudence or natural law. Every system of law punishes anyone who, without authority, deprives another of life. Therefore, there is a right to live; and we may call it a natural right. But that right may be forfeited. No system of law that I know of

punishes either the hangman or the soldier for depriving men of their lives.

*Truelove.* That is so, of course. In the eyes of the law the supposed necessities of punitive justice and of war override the individual's rights to live. But what ought to be is still far removed from what is. Let me ask further whether you are willing to admit that, as the rights of the citizen are circumscribed by the necessities of the State, so the necessities of a particular State are, or ought to be, limited by the needs of the world, by the rights of humanity as a whole. A man is first an individual, then a subject, or citizen of a particular State, then a citizen of the world, a man in the fullest sense.

*Case.* Again I agree, though we might differ, if it came to defining the extent of (let us say) the world's suzerainty over the British Empire (*this with a sly look at Meyer*).

*Meyer.* I'm no philosopher, Mr. Case, but I suppose you mean our suzerainty over the world. Ours is an Empire on which the sun never sets.

*Case.* I stand corrected. We may hope that a State with such natural advantages will be able to lead the world to the Temple of Justice.

*Truelove.* And we, its citizens, will follow Truth whithersoever she leads us.

*Seymour.* What does natural law say to the proposition that war involves murder?

*Case.* Certainly it does not in the legal sense. To murder is to kill a man unlawfully and with intent to kill him. Unless he does it from a balloon, or with an explosive bullet, or by treachery (say under cover of the white flag), a soldier in battle cannot

kill an enemy unlawfully ; nor is it necessarily his intent to kill ; he may have no intent but that of obeying orders. "Ready, present, fire." The common soldier is a mere machine. He has scarcely more intent than the gun.

*Truelove.* Nor is it murder in the moral sense. A soldier does not shoot "of malice aforethought," nor to gain private ends save in the case (now comparatively rare) where plunder is the motive. But I can't allow your comparison of the man with his rifle.

*Case.* Why not ? they are both bought or hired by the State for the same purpose—to destroy its enemies. However, I don't press the comparison ; for though in fact the common soldier may be a passive instrument, I think that he is responsible for his actions even when he is merely obeying orders.

*Truelove.* Then you are inclined to agree with the Church's compromise—that a Christian may serve as a soldier, and may lawfully kill the soldiers of the country with which his country is at war, *provided it is a just war.*

*Case.* Well, at any rate that is an intelligible proposition. Few moralists will blame a soldier for killing men in a war which he has reason to regard as a just war. But we must blame him, I think, if even in a just war he obeys orders which he knows to be unjust and contrary to civilised practice. For instance, if he is ordered to cut down fruit trees (which even the Israelites were forbidden to do), or to burn farms or to shoot down unoffending non-combatants, or possibly his fellow-citizens in the streets, then the truly courageous soldier, if he be a man of principle and honour, should refuse.

*Seymour.* Then he would be shot himself. I'm afraid you would make soldiering even more hazardous than it is. At the same time I agree that soldiers ought not to be mere machines. An officer certainly ought to make up his mind as to the justice of a war, and he should take no part in any foreign war in which he would regard himself as the instrument of unlawful and wrongful aggression. Doubtless also there are some orders which he should refuse to execute even at the risk of being executed himself. The man, however high his rank, however long his pedigree, who debases the usages of warfare and promotes savagery is a monster whom it is shameful to obey, a barbarian whom it is degrading to serve.

*Clarke.* We seem to be agreed in condemning the soldier who serves in an unjust war, and also the soldier who gives or executes a barbarous order. But what about the simple act of firing at a man against whom you had no grievence except that he is, or may be, firing at you? You do not know him; you see him for the first time, a little speck a mile away perhaps; and you try to kill him.

*Seymour.* The soldier acts under orders. He has to defend his country. To do that he must help to destroy its enemies. The soldier he fires at is not a personal foe but a representative of the public enemy.

*Clarke.* Exactly so; and no one who benefits by the soldier's action will care to censure it, so long as war remains a possible contingency even for a country whose government always acts with justice and moderation towards others. But we are discussing now not what is but what ought to be, not the second best, but the best. When the Church waxed worldly and



wealthy and waned in virtue it made a compromise—that a Christian may be a soldier in a just war. But can *anything* justify the shedding of innocent blood?

*Truelove.* No, I think not. Yet following the line of thought indicated by Green, I should be disposed to conclude that but a small fraction of the blame and responsibility for the shedding of innocent blood in war is to be visited on the contending armies, even though one of them clearly represents aggression. When Green defined war as “destruction of human life inflicted on sufferers intentionally by voluntary human agency,” he was not unwilling to transfer the main responsibility from the soldiers to those who set armies in motion, though he always insisted that every war involves wrong-doing and that you do not get rid of responsibility or criminality by shifting it. The persons, whether journalists, or statesmen, or generals, or kings, or governors, or diplomatists, who by word or act seek to bring about war are guilty of a crime similar in kind, and far more ruinous in its consequences than that of a man who induces some one to commit a private murder. It is “one of those obvious truths,” wrote Green, “out of which we may allow ourselves to be sophisticated” that “the destruction of life in war is always wrong-doing, whoever the wrong-doer.” The language we hear from the pulpit about war being a punishment for the sins of nations is perfectly true, he adds, but the inference drawn therefrom, that those who make war are acting under a sort of moral and religious duty, is completely false. The preacher who thus blasphemes and wickedly perverts religion in order to encourage the worst instincts of his hearers ought

to have gone on to remind them that this particular punishment for sin is itself a further sin. Thus, to take a familiar case, the Boer War may be regarded as a punishment for the Jameson Raid, and the importation of enslaved and degraded Chinamen may be regarded as a punishment for the Boer War. But it does not follow that those who concerted and carried out the second crime and the third were innocent, while only the authors and abettors of the first were guilty. In the history of private crimes we often find that one offence leads up to another. But we do not make excuses for one criminal because we regard his act as the judgment of God upon some antecedent sin. Let us be equally careful not to remove war from the first place which it occupies in the category of crimes, on the ground that it is one of the scourges with which God afflicts and chastens mankind for their good.

*Case.* There is no religious idea that has done so much to corrupt morality as the idea of God as universal agent; for what could be more natural than that simple folk should be led to think that God permits and sanctions war? Hence, by a natural transition, preachers who love war begin to extol it as a purifying and strengthening agency; it is said to nourish virtues and to brace up the energies of a nation. Therefore, as I said before, it is better not to rely upon authority—for would not most people now-a-days prefer John Wesley or a living Bishop to a Christian Father or John Wycliffe. Our foundation stone is not a sermon or even a text; it is simply the right of every man, woman, and child to live, a right recognised by every civilised society.

*Truelove.* My philosophy also admits and even postulates that right. The question is, how far does it carry us?

*Case.* Generally speaking, the only exception that the most civilised legal systems make to this right is where an individual deliberately violates it by murdering another. Then, as a rule, though not in all countries, he is held to have forfeited his own right to live and is put to death by public authority, partly as a punishment satisfying the natural sense of justice, and appeasing the general indignation of the community, partly as a deterrent to prevent others from committing the same dreadful crime. If the sense of national responsibility and the conscience of governments were as fully developed, as sensitive to an international opinion, as amenable to international law, as the individual is to the opinion of his fellows and to the law of his own society, then the deliberate inception of a warlike policy would excite the same horror and involve punishments as severe as an attempt to commit murder. But I speak as a *natural* lawyer, a poor Cambridge disciple of Selden. What says the Oxford Idealist?

*Truelove.* There are Idealists and Idealists even in Oxford. The ordinary Hegelian, of course, cannot draw any harsh distinction between right and wrong. Hegel was a bureaucrat. The *Staat* to him is everything. War is a beneficent incident in the life of a State, an outlet for its pent-up irritable activity. If the State requires this outlet it is enough for Hegel. The individual member has no right to live unless it is for the good and convenience of his *Staat* that he should live. But Green is an English idealist.

He admits that the necessity of the State may override the rights of the individual; but "the tyrant's plea" must be very fully made out if it is to lead to the slaughter of innocent men. For instance, dynastic ambitions, religious feuds, national hatreds, imperial vanities, and commercial jealousies, the most fruitful sources of war in the last four centuries, far from being grounds for overruling the individual's right to live, are in themselves odious or foolish passions. When war is the outcome innumerable wrongs are inflicted upon innocent individuals as the result of the wrongful policy of rulers and States. It is absurd, in such cases, to talk of the *right* of the State to overrule the individual's right to live. Let me read a few sentences from Green about modern wars:

"The delusion has been practically dominant that the gain of one nation must mean the loss of another; hence national jealousies in regard to colonial extension, hostile tariffs, and the effort of each nation to exclude others from its markets. The explosion of this idea in the region of political economy has had little effect in weakening its hold on men's minds. The people of one nation still hear with jealousy of another nation's advance in commerce, as if it meant some decay of their own. . . . A hundred and fifty years ago national vanity could scarcely be said to be an influence in politics. . . . Now (under the name of patriotism) it has become a more serious disturber of peace than dynastic ambition. Where the latter is dangerous it is because it has national vanity to work upon."

*Browne.* But what of a just war, such as the Dutch revolt against Spain or the war of the English Parliament against Charles, or of the French people against the Bourbons, of the Italians against the House of Austria. In all these cases the party or nation which was, on the whole, in the right might have averted



the infliction of death and ruin upon thousands of innocent families by submitting to tyranny. Can the philosopher who desires human progress wish that they had preferred submission to war.

*Truelove.* There have been, I suppose, a few, a very few wars, the whole responsibility for which rests upon one party. Then the other party is innocent from the great transgression, and indeed is to be admired for prizing liberty above life.

*Arbiter.* But war has seldom proved itself the high road to political freedom. It is often only a short cut to military despotism.

*Case.* *Inter arma silent leges. Post bellum evanescit libertas.* So Cromwell and Napoleon sharply taught the two great liberal democracies of Europe.

*Browne.* But great conquerors do great services to mankind. Conquest is often a civilising agency. Caesar was the civiliser as well as the conqueror of Gaul. Napoleon was a liberator as well as an oppressor. And Cromwell was the Great Protector.

*Meyer.* And Bismarck made Germany independent, united, and powerful.

*Arbiter.* There are degrees of wrong-doing even in unjust war. But a conquest, I think, always leaves a balance of evil.

*Browne.* The balance is heavier far in the case of Philip of Macedon or Tamerlane, than of Caesar, or Charlemagne, or Clive.

*Arbiter.* Certainly, and the smaller the balance of evil the less is the blame. But wrong-doing cannot be justified even when its consequences seem to show an ultimate balance of good.

*Seymour.* A State must protect its own interests, and



it is often necessary in self defence to strike the first blow.

*Arbiter.* The second half of your proposition sounds very questionable. I should like some instances. The advantage of the first blow generally involves sharp practice, if not a flagrant violation of law. That is not the way for a country to gain influence and reputation.

*Meyer.* But security is more important than reputation. And a great State must show the flag and display its strength. Again, if armies and fleets were never exercised the nation would become soft and effeminate. Patriotism would disappear.

*Truelove.* You speak as if the desire to show more military strength than other nations is the best or the only form of patriotism. Surely your State is a wrongdoer if it can only protect its interests and inspire its citizens with enthusiasm by inflicting injury on mankind or showing its power to do so.

*Arbiter.* In reality war is generally the last desperate remedy of a discredited King or Government. Napoleon the Third's war with Mexico, Disraeli's war with Afghanistan, are cases in point. The better a State fulfils her internal functions the less occasion will there be for armaments and wars.

*Truelove.* Let me quote T. H. Green again : "Till all the methods have been exhausted by which nature can be brought into the service of man, till society is so organised that everyone's capacities have free scope for their development, there is no need to resort to war for a field in which patriotism may display itself."

*Case.* Bravo Green ! But how do you reconcile that with religion ?

*Truelove.* Well, Green and I say that in the divine scheme of the world war may be an element in the process through which we approximate to final good ; and indeed this must be so if we conceive of God as a moral agent ; but that does not alter the blessing upon peace-makers or the curse upon war makers. Thus we come to your conclusion or rather to the corollary of your first principle. War is always wrong because it always involves the destruction of life. But both parties are not necessarily or equally in the wrong, nor are the persons who actually do the killing principally to blame. Whether a soldier can be exonerated in the same way as a hangman is a hard question upon which the doctors of religion and morality may well agree to differ. Military patriotism is a survival. It is becoming obsolete like war. The time is coming when no one will be called upon either to kill or to be killed for his country.

*Arbiter.* Well said : well said. The patriot may surely be allowed to live for his country and work for it. Nations will rejoice in the prosperity of their neighbours. They will progress, as our municipalities progress, by peaceful rivalry and energetic emulation. Remove from civilised States such occasions of conflict as arise from the error and illusions of privileged classes, or from the existence of oppressed nationalities, or from the bitterness of religious antagonism, or from national vanity (now a worse mischief-maker than dynastic ambition) and you have abolished war.

*Clarke.* I agree ; but I should have more hope of a speedy improvement in international relations if you could prescribe a good medicine for national vanity and other odious emotions, such as the widely diffused

desire for excitement, that urges city populations to their ruin.

*Arbiter.* Spend the money you waste on armaments in destroying slums and gin-palaces; create healthy places of amusement—counter attractions to vice; take the country into the town and the townsfolk into the country. In other words, let nations so govern themselves that all their citizens shall have free scope for development. Then there will be plenty to do at home without going to war abroad. Then it will be a sweet and glorious thing to *live* for one's country. Living patriotism will be so busy that dying patriotism, which is after all only work for the unemployed, will not be called for.









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